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FOR BOOKS RELATING TO
POLITICS AND FINE ARTS

TREATIES

BETWEEN

THE EMPIRE OF CHINA

AND

FOREIGN POWERS

TOGETHER WITH

REGULATIONS FOR THE CONDUCT OF FOREIGN TRADE,
CONVENTIONS, AGREEMENTS, REGULATIONS,

ETC., ETC., ETC.,

THE PEACE PROTOCOL OF 1901,

AND THE COMMERCIAL TREATY OF 1902.

FIRST EDITION, 1877, EDITED BY

WILLIAM FREDERICK MAYERS,

CHINESE SECRETARY TO HER BRITANNIC MAJESTY'S LEGATION AT PEKING.

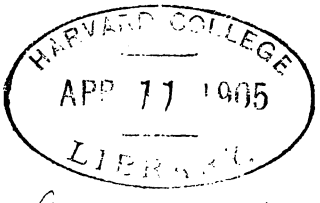
FOURTH AND FURTHER ENLARGED EDITION ISSUED BY PUBLISHERS, 1902.

SHANGHAI:

PRINTED AND PUBLISHED AT THE "NORTH-CHINA HERALD" OFFICE.

1902.

bh 11.3



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PREFACE

TO THE FIRST EDITION.

THE publication of the present collection of the Treaties and other engagements under which the trade and relations of foreign countries with the Chinese Empire are conducted has been undertaken in order to meet a requirement long expressed and widely recognized. Since 1861, when the Treaties and Conventions concluded in 1858-1860 with Great Britain, France, the United States, and Russia, were issued from the publishing office of the present volume, no attempt has been made to bring together, or indeed to render available for general purposes of reference, the greater portion of the various Treaties and Regulations which have been successively agreed upon during the last sixteen or seventeen years. A few of these instruments have been separately printed after negotiation, for semi-private use; others have seen the light in the columns of newspapers, and others again have been recorded in European publications such as the "British and Foreign State Papers," compiled in London by Mr. Edward Hertslet, or in the "Archives Diplomatiques," the corresponding Parisian work; but for all general purposes, they have remained virtually inaccessible. The material difficulties in the way of remedying this deficiency having been removed by the enterprise of the publisher of the present volume, a collection has now been made of all the international agreements hitherto concluded by the Chinese Government, which are printed either in full, or, where circumstances have rendered this admissible, in an abridged form. Condensation has, in particular, been applied to such instruments as the British Supplementary Treaty of 1843

(abrogated in 1858), to the earlier Treaties with Russia, and to those portions of the Treaties with European Powers, concluded in the decade subsequent to 1860, which are simple reproductions of the wording of earlier agreements. As is well known, the stipulations of the British and French Treaties of 1858 have been taken in most instances as the basis of the negotiations subsequently conducted on the part of Belgium, Denmark, Italy, and other powers; and necessary space has been economized, for the purposes of the present collection, by a system of references in the arrangement of all Treaty articles of an identic character.

Where no publications in a European language have been accessible, recourse has been had to the collection of Treaties in Chinese which has been published by the Chinese Government, and from this source translations have been made of the Convention with Russia for the frontier trade between the two countries, and of the Treaty of 1871 with Japan, both of which are now for the first time printed.

Other instruments, no longer in vigour, but historically interesting and important, are the French Treaty of 1844, and the United States Treaty concluded in the same year at Wanghia, both of which are republished in their proper place; and similarly, for purposes of reference, the Emigration Convention of 1866 and the Articles of Revision negotiated in 1868-1869 hy Sir Rutherford Alcock, K.C.B., Her Britannic Majesty's Minister, although both have failed to receive ratification, are included in the collection. It has not appeared necessary to reprint, except in connection with the British Treaty of 1858, the Tariff of Duties and Commercial Regulations adopted as an annex both to that instrument and to all other Treaties subsequently negotiated, since the agreement concluded in this respect by the Earl of Elgin, with its subsequent modifications, is specifically recognized by all nationalities as the common rule.

In order to facilitate reference, on a subject likely to be of increasing interest, the remarkable Treaty concluded in 1876 between Japan and Corea is admitted to a place in the collection.

PREFACE

TO THE FOURTH EDITION.

TWENTY-FIVE years have passed since this collection of Treaties was first offered to the Public, and since then a Second Edition, published in 1897, and a Third Edition in 1901, have both been completely exhausted.

There still being a demand for the work, the Publishers have been led to issue this new and enlarged Edition, which they hope will meet with general approval.

Several important additions were made to the 1901 Edition, notably the German Treaty of 1880, the Japan Treaty of 1895, with the Commercial Instrument of the following year, the French Tientsin Treaty (Patenôtre) of 1885 with later Conventions and the Peace Protocol, signed at Peking on the 7th September, 1901, together with the Annexes, 1 to 19. The Treaty of Shanghai, signed by Sir James Mackay on the 5th of September, has also been added, though it has not yet been ratified, and may undergo further changes.

The Publishers regret that several Treaties do not appear in sequence of page, but the order in which they are placed was unavoidable; the index has been revised and enlarged.

SHANGHAI, *October, 1902.*

With the various regulations which have been agreed upon from time to time in fulfilment or extension of Treaty engagements, such as those relating to trade on the Yangtsze Kiang, the Coast Trade, Transit Duties, etc., which are likewise included, it is believed that a complete compendium of all the provisoes nnder which the international relations of the Chinese Government are conducted is now brought within reach; and in order to assist reference as much as possible, an Index has been compiled for the subject matter of the entire volume.

The editor has been assisted in much of the labour of preparation by Mr. Alex. Hosie, of Her Britannic Majesty's Consular Service, and in the revision of a large portion of the proofs by Mr. Donald Spence, acting Interpreter of Her Majesty's Consulate at Shanghai. To both these gentlemen his thanks are due for the services they have willingly and efficiently rendered.

PEKING, *August, 1877.*

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——, Regulation, 30th October, 1861.
——, certificate to be uniform and irrespective of nationality, Brit. Chef. III iv.
——, certificates to be returnable, Brit. Rev. 14.
——, not to be increased, Brit. Declaration 1843; Fr. Tn. 23; Ger. 24; Swed. 13.
——, passes, period of value, G. P. 7 and p. 201.
Transhipment, see *Customs*. ——, through Tonkin, Fr. Front. 7, 8, 9, 12.
Travel and Correspondence of Ambassador, Brit. Tn. 4; Fr. Tn. 2; U. S. Tn. 4, 5; Russ. Tn. 2; Russ. Pek. 13; Ger. 3; Bel. 3; Dan. 4; Holl. 1; Span. 3; Ital. 4.; Aust. 4; Jap. 2; Port. 6.
Treaty ports, right of residence, &c., Brit. Nan. 3; Brit. Tn. 12; Fr. 1844, 2; Fr. Tn. 7; Fr. Front. 3; U. S. Wa. 3; U. S. Tn. 14; Russ. Tn. 3; Ger. 6; Swed. 3; Belg. 11; Dan. 11; Holl. 2; Port. 11; Span. 5; Ital. 11; Aust. 8; Jap. 4, 14; Per. 4.
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Unenumerated goods, Brit. Tariff Rule 1.
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Vessels entering port, liability of, Brit. Tariff Rule 6.
—— not liable to embargo, see *Inviolability.*
—— in distress, *Merchant Ships* and *Wreck.*

War, protection to U. S. citizens in case of, U. S. Addit. 1.
—, neutrality in case of, U. S. Wa. 22; U. S. Tn. 26; Swed. 22.
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—— ——, equivalents of, Brit. Tarift Rule 4.
Wênchow, opened to trade, Brit. Rev. 6; Brit. Chef. III i.
Woosung, port of call, Ger. P. 1.
Wreck or standing, Brit. Tn. 20; Fr. Tn. 30; U. S. Wa. 27; U. S. Tn. 13; Russ. Tn. 6; Ger. 31; Swed. 27; Belg. 42; Den. 20; Holl. 7; Port. 19; Span. 17; Ital. 20; Aust. 35; Per. 11.
Wuhu, opened to trade, Brit, Rev. 13; Brit. Chef. III i.

Yang-tsze, trade open, Brit. Tn. 10; Brit. Tariff Rule 10; Holl. 2; Ger. P. 1; Jap. 5.
——, opening of, provisional Regulations, 1861.
——, trade upon, revised do. do. 1861.
——, regulations for trade, 1862.
——, Landing places for steamer traffic, Brit. Chef. III i.
Yünnan outrage, Brit. Chef. I.
——, frontier trade, Brit. Chef. I iii, iv.
——, residence of Brit. officials Brit. Chef. I iv.
——, Indian mission, Brit. Chef. I iv.
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GREAT BRITAIN.

TREATY OF PEACE, FRIENDSHIP, AND COMMERCE BETWEEN HER MAJESTY THE QUEEN OF GREAT BRITAIN AND IRELAND AND THE EMPEROR OF CHINA.

Signed, in the English and Chinese Languages, at Nanking, 29th August, 1842.

Ratifications exchanged at Hongkong, 26th June, 1843.

HER MAJESTY, the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous of putting an end to the misunderstandings and consequent hostilities which have arisen between the two countries, have resolved to conclude a treaty for that purpose, and have therefore named as their Plenipotentiaries, that is to say: Her Majesty the Queen of Great Britain and Ireland, Sir Henry Pottinger, Bart., a Major-General in the service of the East India Company, etc., etc.; and His Imperial Majesty the Emperor of China, the High Commissioners Ke-ying, a Member of the Imperial House, a Guardian of the Crown Prince, and General of the Garrison of Canton: and Ilípú, of the Imperial Kindred, graciously permitted to wear the insignia of the first rank, and the distinction of a peacock's feather, lately Minister and Governor-General, etc., and now Lieut.-General commanding at Chápú:—Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:— Plenipotentiaries. Sir Henry Pottinger, Keying, and Ilípú.

ART. I.—There shall henceforward be peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, and between their respective subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other. Amity and mutual protection.

ART. II.—His Majesty the Emperor of China agrees, that British subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their mercantile pursuits, without molestation or restraint, at the cities and towns of Canton, Amoy, Fuchau-fu, Ningpo, and Shanghai; and Her Majesty the Queen of Great Britain, etc., will appoint Superintendents, or Consular Officers, to reside at each of the above-named cities, or towns, to be the medium of communication between the Chinese authorities and the said merchants, and to see that the just duties and other dues of the Chinese Government, as hereafter provided for, are duly discharged by Her Britannic Majesty's subjects. Five Ports open to residence and trade. Appointment of Consular Officers.

ART. III.—It being obviously necessary and desirable that British subjects should have some port whereat they may careen and refit their ships when required, and keep stores for that purpose, His Island of Hongkong ceded to Great Britain.

Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, etc., the Island of Hongkong, to be possessed in perpetuity by Her Britannic Majesty, her heirs and successors, and to be governed by such laws and regulations as Her Majesty the Queen of Great Britain, etc., shall see fit to direct.

Indemnity for Opium seized.

ART. IV.—The Emperor of China agrees to pay the sum of Six Millions of Dollars, as the value of the Opium which was delivered up at Canton in the month of March, 1839, as a ransom for the lives of Her Britannic Majesty's Superintendent and Subjects, who had been imprisoned and threatened with death by the Chinese high officers.

Guild of Hong Merchants (Co-Hong) abolished.

ART. V.—The Government of China having compelled the British merchants trading at Canton to deal exclusively with certain Chinese merchants, called Hong-merchants (or Co-hong), who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all ports where British merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please; and His Imperial Majesty further agrees to pay to the British Government the sum of Three Millions of Dollars, on account of debts due to British subjects by some of the said Hong-merchants, or Co-hong, who have become insolvent, and who owe very large sums of money to subjects of Her Britannic Majesty.

Indemnity for Hong Merchants' debts.

Indemnity for expenses of war.

ART. VI.—The Government of Her Britannic Majesty having been obliged to send out an expedition to demand and obtain redress for the violent and unjust proceedings of the Chinese high authorities towards Her Britannic Majesty's Officers and Subjects, the Emperor of China agrees to pay the sum of Twelve Millions of Dollars, on account of the expenses incurred: and Her Britannic Majesty's Plenipotentiary voluntarily agrees, on behalf of Her Majesty, to deduct from the said amount of Twelve Millions of Dollars, any sums which may have been received by Her Majesty's combined forces, as ransom for cities and towns in China, subsequent to the 1st day of August, 1841.

Mode of payment of total Indemnity of $21,000,000

ART. VII.—It is agreed, that the total amount of Twenty-one Millions of Dollars, described in the three preceding Articles, shall be paid as follows:—

Six millions immediately. Six millions in 1843; that is, three millions on or before the 30th of the month of June, and three millions on or before the 31st of December. Five Millions in 1844; that is, two millions and a-half on or before the 30th of June, and two millions and a-half on or before the 31st December. Four millions in 1845; that is, two millions on or before the 30th of June, and two millions on or before the 31st of December.

And it is further stipulated, that interest, at the rate of 5 per cent, per annum, shall be paid by the Government of China on any portion of the above sums that are not punctually discharged at the periods fixed.

Release of prisoners.

ART. VIII.—The Emperor of China agrees to release, unconditionally, all subjects of Her Britannic Majesty (whether natives of Europe or India), who may be in confinement at this moment in any part of the Chinese Empire.

Amnesty to Chinese subjects

ART. IX.—The Emperor of China agrees to publish and promulgate, under His Imperial Sign Manual and Seal, a full and

entire amnesty and act of indemnity to all subjects of China, on account of their having resided under, or having had dealings and intercourse with, or having entered the service of Her Britannic Majesty, or of Her Majesty's officers; and His Imperial Majesty further engages to release all Chinese subjects who may be at this moment in confinement for similar reasons.

A Tariff of Duties to be drawn up.

ART. X.—His Majesty the Emperor of China agrees to establish at all the ports which are, by the second article of this Treaty, to be thrown open for the resort of British merchants, a fair and regular Tariff of Export and Import Customs and other dues, which Tariff shall be publicly notified and promulgated for general information; and the Emperor further engages that, when British merchandise shall have once paid at any of the said ports the regulated customs and dues, agreeable to the Tariff to be hereafter fixed, such merchandise may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount as Transit duties, which shall not exceed—per cent. on the Tariff value of such goods.

Transit Duty.

Official Communications.

ART. XI.—It is agreed that Her Britannic Majesty's Chief High Officer in China shall correspond with the Chinese High Officers, both at the Capital and in the Provinces, under the term 照會 "communication;" the subordinate British Officers and Chinese High Officers in the Province under the term 申陳 "statement," on the part of the former, and on the part of the latter, 劄行 "declaration," and the subordinates of both countries on a footing of perfect equality; merchants and others not holding official situations, and therefore not included in the above, on both sides to use the term 稟明 "representation" in all papers addressed to, or intended for the notice of the respective governments.

Evacuation of Nanking, Chinhai, Kúláng-sú, and Chusan.

ART. XII.—On the assent of the Emperor of China to this Treaty being received, and the discharge of the first instalment of money, Her Britannic Majesty's forces will retire from Nanking and the Grand Canal, and will no longer molest or stop the trade of China. The military post at Chinhái will also be withdrawn; but the islands of Kúláng-sú, and that of Chusan, will continue to be held by Her Majesty's forces until the money payments, and the arrangements for opening the ports to British merchants, be completed.

Ratification.

ART. XIII.—The ratification of this Treaty by Her Majesty the Queen of Great Britain, etc., and His Majesty the Emperor of China, shall be exchanged as soon as the great distance which separates England from China will admit; but, in the meantime, counterpart copies of it, signed and sealed by the Plenipotentiaries on behalf of their respective Sovereigns, shall be mutually delivered, and all its provisions and arrangements shall take effect.

Effect to be given to Treaty in the meantime.

August 29, 1842.

Done at Nanking, and signed and sealed by the Plenipotentiaries on board H.B.M.'s ship *Cornwallis*, this 29th day of August, 1842; corresponding with the Chinese date, 24th day of the 7th month, in the 22nd year of Taou-Kwâng.

Approved and ratified by the Emperor on the 24th day of the 9th month, in the 22nd year of his reign (27th October, 1842.)

DECLARATION RESPECTING TRANSIT DUTIES.

Signed, in the English and Chinese Languages, at Hongkong, 26th June, 1843.

Whereas by the Tenth Article of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, concluded and signed on board Her Britannic Majesty's ship *Cornwallis*, at Nanking, on the 29th day of August, 1842, corresponding with the Chinese date 24th day of the 7th month, in the 22nd year of Taou-Kwang, it is stipulated and agreed, that His Majesty the Emperor of China shall establish at all the ports, which, by the Second Article of the said Treaty, are to be thrown open for the resort of British merchants, a fair and regular Tariff of export and import customs and other dues, which Tariff shall be publicly notified and promulgated for general information; and further, that when British merchandise shall have once paid, at any of the said ports, the regulated customs and dues agreeably to the Tariff to be hereafter fixed, such merchandise may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount of duty as transit duty;

And whereas the rates of transit duty to be so levied was not fixed by the said Treaty;

Now, therefore, the undersigned Plenipotentiaries of Her Britannic Majesty, and of His Majesty the Emperor of China, do hereby, on proceeding to the exchange of the Ratifications of the said Treaty, agree and declare, that the further amount of duty to be so levied on British merchandise, as transit duty, shall not exceed the present rates, which are upon a moderate scale; and the Ratifications of the said Treaty are exchanged subject to the express declaration and stipulation herein contained.

In witness whereof the respective Plenipotentiaries have signed the present Declaration, and have affixed thereto their respective Seals.

Done at Hongkong, the 26th day of June, One thousand eight hundred and forty-three, corresponding with the Chinese date, Taou-Kwang, twenty-third year, fifth month, and twenty-ninth day.

[L.S.] (Signed) HENRY POTTINGER.

Seal and Signature of Chinese Plenipotentiary, KE-YING.

[Précis.]

SUPPLEMENTARY TREATY BETWEEN HER MAJESTY THE QUEEN OF GREAT BRITAIN AND THE EMPEROR OF CHINA.

Signed at Hoo-mun Chae (the Bogue), 8th October, 1843.
Published by Proclamation at Hongkong, 10th July, 1844.
Abrogated by Treaty of Tientsin, June, 1858.

Preamble. Whereas a Treaty of perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China was concluded at Nanking, and signed on board Her said Majesty's Ship *Cornwallis*, on the 29th day of August, A.D., 1842, corresponding with the Chinese date of the 24th day of the 7th month of the 22nd year of Taou-Kwang, of which said Treaty of perpetual peace and friendship the ratifications, under the respective seals and signs manual of the Queen of Great Britain, etc., and the Emperor of China, were duly exchanged at Hongkong, on the 26th day of June, A.D., 1843, corresponding with the Chinese date the 29th day of the 5th month, in the 23rd year of Taou Kwang; and Whereas in the said Treaty it was provided (amongst other things) that the five Ports of Canton, Foochow, Amoy, Ningpo, and Shanghai should be thrown open for the resort and residence of British merchants, and that a fair and regular Tariff of Export and Import Duties and other Dues should be established at such Ports; and Whereas various other matters of detail connected with, and bearing relation to, the said Treaty of perpetual peace and friendship have been since under the mutual discussion and consideration of the Plenipotentiary and accredited Commissioners of the high contracting parties, and the said Tariff and details having been now finally examined into, adjusted and agreed upon, it has been determined to arrange and record them in the form of a Supplemetary Treaty of——Articles, which Articles shall be held to be as binding and of the same efficacy as though they had been inserted in the original Treaty of perpetual peace and friendship.

ART. I.—The Tariff, hereunto annexed, to be henceforward in force at the five open Ports.

ART. II.—The General Regulations of Trade, hereunto annexed, to be henceforward in force at the above-mentioned Ports.

ART. III.—All penalties and confiscations made under the Regulations of Trade shall belong to the Government of China.

ART. IV.—Trade to be allowed only at the five open Ports, under penalty of confiscation. Chinese clandestinely dealing with English merchants to be punished by the Chinese Government.

ART. V.—Commercial dealing and debts. Rule laid down in Art. IV. of the General Regulations to be applicable on either side.

ART. VI.—Excursions confined to short distances from open Ports. Crews of vessels not allowed to land without special permission.

ART. VII.—Right of leasing ground and houses.

ART. VIII.—British subjects to enjoy the privileges of the most favoured nation.

ART. IX.—Extradition on either side.

ART. X.—A British vessel-of-war to be stationed at each of the five Ports to enforce good order among the crews of vessels and to support the authority of the Consul. The local authorities to be informed of all reliefs of such vessels. No port-charges leviable.

ART. XI.—Chusan and Koolangsoo to be evacuated so soon as the indemnity has been paid.

ART. XII.—The Consuls to keep a strict watch against smuggling by British subjects. The Chinese Government to adopt its own measures for the control of Chinese merchants and Customs' officers.

ART. XIII.—Chinese trading with Hongkong must receive port-clearances for the vessels they employ from their own authorities.

ART. XIV.—An English officer to be appointed at Hongkong to examine the registers and passes of all Chinese vessels, and a report of any irregularity to be made to the Chinese authorities.

ART. XV.—Recovery of debts at Hongkong.

ART. XVI.—A monthly statement of all junk passes to be exchanged between the Custom Houses at the five Ports and the proper English officer at Hongkong.

ART. XVII.—(Additional.) Rules relating to small craft plying under the British flag. Sailing letter in Chinese and English, to be carried, etc., etc.

[L.S.] (Signed) HENRY POTTINGER.
[L.S.] (Signed) KE-YING.

[*Regulations and Tariff appointed—abrogated by Treaty of Tientsin.*]

CONVENTION AND TREATY OF PEACE BETWEEN GREAT BRITAIN AND CHINA, 1858-1860.

PROCLAMATION.

The Earl of Elgin and Kincardine, K.T., G.C.B., Her Britannic Majesty's Special Ambassador in China, etc., etc., has much satisfaction in informing Her Majesty's subjects in China that a Convention for re-establishment of Peace between Great Britain and China was concluded, and the Ratification of the Treaty of Tientsin of the year 1858, duly exchanged at Peking, on the 24th of October, 1860.

Proclamation.

The Earl of Elgin now publishes for general information the text of the said Convention and Treaty, together with the text of the tariff and rules which form part of the Treaty, and were agreed to by him and the Plenipotentiaries of the Emperor of China at Shanghai, on the 8th of November, 1858.

The Earl of Elgin trusts that by a considerate treatment of the natives with whom they may come into contact, and a faithful observance of their obligations towards the Chinese Government, Her Majesty's subjects in China will do what in them lies to reconcile the people and authorities of China to the changes in their relations with foreigners, which are about to be introduced under the international compacts herewith promulgated—changes which, if they be carried into effect in such manner as to afford greater scope to the commercial activity of the Chinese people, without doing unnecessary violence to their habits and traditions, will, it may be hoped, prove beneficial to them, and to all who have dealings with them.

Due notice will be given whenever the arrangements for carrying into execution the provisions of this Convention and Treaty, at the Ports thereby opened to British Trade, shall be completed.

GOD SAVE THE QUEEN.

Dated at Tientsin, this twentieth day of November, A.D., 1860.

(Signed) ELGIN AND KINCARDINE.

CONVENTION OF PEACE BETWEEN HER MAJESTY AND THE EMPEROR OF CHINA.

Signed at Peking, 24th October, 1860.

Her Majesty the Queen of Great Britain and Ireland, and His Imperial Majesty the Emperor of China, being alike desirous to bring to an end the misunderstanding at present existing between their respective Governments, and to secure their relations against further interruption, have for this purpose appointed Plenipotentiaries, that is to say:—

Plenipotentiaries. Earl of Elgin and Kincardine, and Prince of Kung.

Her Majesty the Queen of Great Britain and Ireland, the Earl of Elgin and Kincardine; and His Imperial Majesty the Emperor of China, His Imperial Highness the Prince of Kung; who having met and communicated to each other their full powers, and finding these to be in proper form, having agreed upon the following Convention, in Nine Articles:—

Apology for the attack at Taku in June, 1859.

ART. I.—A breach of friendly relations having been occasioned by the act of the Garrison of Taku, which obstructed Her Britannic Majesty's Representative when on his way to Peking, for the purpose of exchanging the ratifications of the Treaty of Peace, concluded at Tientsin in the month of June, one thousand eight hundred and fifty-eight, His Imperial Majesty the Emperor of China expresses his deep regret at the misunderstanding so occasioned.

Residence of H.M.'s Representative at Peking.

ART. II.—It is further expressly declared, that the arrangement entered into at Shanghai, in the month of October, one thousand eight hundred and fifty-eight, between Her Britannic Majesty's Ambassador the Earl of Elgin and Kincardine, and His Imperial Majesty's Commissioners Kweiliang and Hwashana, regarding the residence of Her Britannic Majesty's Representative in China, is hereby cancelled, and that, in accordance with Art. III. of the Treaty of one thousand eight hundred and fifty-eight, Her Britannic Majesty's Representative will henceforward reside permanently or occasionally, at Peking, as Her Britannic Majesty shall be pleased to decide.

Indemnity.—Separate Article of 1858 annulled. Indemnity fixed at Tls. 8,000,000.

ART. III.—It is agreed that the separate Article of the Treaty of one thousand eight hundred and fifty-eight is hereby annulled, and that in lieu of the amount of indemnity therein specified, His Imperial Majesty the Emperor of China shall pay the sum of eight millions of taels, in the following proportions or instalments, namely,—at Tientsin, on or before the 30th day of November, the sum of five hundred thousand taels; at Canton, on or before the first day of December, one thousand eight hundred and sixty, three hundred and thirty three thousand and thirty-three taels, less the sum which shall have been advanced by the Canton authorities towards the completion of the British Factory site of Shameen; and the remainder at the ports open to foreign trade, in quarterly payments, which shall consist of one-fifth of the gross revenue from Customs there collected; the first of the said payments being due on the thirty-first day of December, one thousand eight hundred and sixty, for the quarter terminating on that day.

It is further agreed that these monies shall be paid into the hands of an officer whom Her Britannic Majesty's Representative shall specially appoint to receive them, and that accuracy of the amounts shall, before payment, be duly ascertained by British and Chinese officers appointed to discharge this duty.

In order to prevent future discussion, it is moreover declared that of the eight millions of taels herein guaranteed, two millions will be appropriated to the indemnification of the British Mercantile Community at Canton, for losses sustained by them; and the remaining six millions to the liquidation of war expenses.

Indemnification of British community, Canton (Tls. 2,000,000) and War expenses (Tls. 6,000,000).

ART. IV.—It is agreed that on the day on which this Covention is signed, His Imperial Majesty the Emperor of China shall open the port of Tientsin to trade, and that it shall be thereafter competent to British subjects to reside and trade there, under the same conditions as at any other port of China by Treaty open to trade.

Tientsin opened to Trade.

ART. V.—As soon as the ratifications of the Treaty of one thousand eight hundred and fifty-eight shall have been exchanged, His Imperial Majesty the Emperor of China, will, by decree, command the high authorities of every province to proclaim throughout their jurisdictions that Chinese, in choosing to take service in British Colonies or other parts beyond sea, are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessels at the open port of China: also that the high authorities aforesaid shall, in concert with Her Britannic Majesty's Representative in China, frame such regulations for the protection of Chinese emigrating as above as the circumstances of the different open ports may demand.

Emigration of Chinese declared lawful.

Regulations to be framed.

ART. VI.—With a view to the maintenance of law and order in and about the harbour of Hongkong, His Imperial Majesty the Emperor of China agrees to cede to Her Majesty the Queen of Great Britain and Ireland, Her heirs and successors, to have and to hold as a dependency of Her Britannic Majesty's Colony of Hongkong, that portion of the township of Cowloon, in the Province of Kwang-Tung, of which a lease was granted in perpetuity to Harry Smith Parkes, Esquire, Companion of the Bath, a Member of the Allied Commission at Canton, on behalf of Her Britannic Majesty's Government, by Lau Ts'ung-kwang, Governor-General of the Two Kwang.

Cowloon (Kowloon) ceded as a dependency of Hongkong.

It is further declared that the lease in question is hereby cancelled, that the claims of any Chinese to property on the said portion of Cowloon shall be duly investigated by a mixed Commission of British and Chinese officers, and that compensation shall be awarded by the British Government to any Chinese whose claim shall be by that said Commission established, should his removal be deemed necessary by the British Government.

ART. VII.—It is agreed that the provisions of the Treaty of one thousand eight hundred and fifty-eight, except in so far as these are modified by the present Convention, shall without delay come into operation as soon as the ratifications of the Treaty aforesaid shall have been exchanged. It is further agreed, that no separate ratification of the present Convention shall be necessary, but that it shall take effect from the date of its signature, and be equally binding with the Treaty above-mentioned on the high contracting parties.

Treaty of 1858 to have effect without delay.

Ratification of present Convention unnecessary.

ART. VIII.—It is agreed that, as soon as the ratifications of the Treaty of the year one thousand eight hundred and fifty-eight shall have been exchanged, His Imperial Majesty the Emperor of China

Treaty and Convention to be published throughout China.

shall by decree, command the high authorities in the capital, and in the provinces, to print and publish the aforesaid Treaty and the present Convention, for general information.

Chusan to be evacuated.

ART. IX.—It is agreed that, as soon as the Convention shall have been signed, the ratification of the Treaty of the year one thousand eight hundred and fifty-eight shall have been exchanged, and an Imperial Decree respecting the publication of the said Convention and Treaty shall have been promulgated, as provided for by Article VIII. of this Convention, Chusan shall be evacuated by Her Britannic Majesty's troops there stationed, and Her Britannic Majesty's force now before Peking shall commence its march towards the city of Tientsin, the forts of Taku, the north coast of Shantung, and city of Canton, at each or all of which places, it shall be at the option of Her Majesty the Queen of Great Britain and Ireland to retain a force, until the indemnity of eight millions of taels, guaranteed in Article III., shall have been paid.

Tientsin, Taku, and north coast of Shantung may be held until payment of indemnity.

24th Oct., 1890.

Done at Peking in the Court of the Board of Ceremonies, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and sixty.

[L.S.] (Signed) ELGIN AND KINCARDINE.

Seal of Chinese Plenipotentiary.	Seal of Chinese Plenipotentiary.

TREATY OF PEACE, FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN HER MAJESTY THE QUEEN OF GREAT BRITAIN AND IRELAND AND THE EMPEROR OF CHINA.

Signed, in the English and Chinese Languages, at Tientsin, 26th June, 1858.

Ratifications exchanged at Peking, 24th October, 1860.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous to put an end to the existing misunderstanding between the two countries, and to place their relations on a more satisfactory footing in future, have resolved to proceed to a revision and improvement of the Treaties existing between them; and, for that purpose, have named as their Plenipotentiaries, that is to say:—

Plenipotentiaries. Earl of Elgin and Kincardine, Kweiliang and Hwashana.

Her Majesty the Queen of Great Britain and Ireland, the Right Honourable the Earl of Elgin and Kincardine, a Peer of the United Kingdom, and Knight of the Most Ancient and Most Noble Order of the Thistle;

And His Majesty the Emperor of China, the High Commissioners Kweiliang, a Senior Chief Secretary of State, styled of the East Cabinet, Captain-General of the Plain White Banner of the Manchu Banner Force, Superintendent-General of the administration of Criminal Law; and Hwashana, one of His Imperial Majesty's Expositors of the Classics, Manchu President of the Office for the regulation of the Civil Establishment, Captain-General of the Bordered Blue Banner of the Chinese Banner Force, and Visitor of the Office of Interpretation;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:—

Treaty of Nanking renewed; but Supplementary Treaty and Regulations of Trade abrogated.

ART. I.—The Treaty of Peace and Amity between the two nations, signed at Nanking on the twenty-ninth day of August, in the year one thousand eight hundred and forty-two, is hereby renewed and confirmed.

The Supplementary Treaty and General Regulations of Trade having been amended and improved, and the substance of their provisions having been incorporated in this Treaty, the said Supplementary Treaty and General Regulations of Trade are hereby abrogated.

Appointment of British Ambassador to Peking, Chinese Ambassador to St. James'.

ART. II.—For the better preservation of harmony in future, Her Majesty the Queen of Great Britain and His Majesty the Emperor of China mutually agree that, in accordance with the universal practice of great and friendly nations, Her Majesty the Queen may, if She see fit, appoint Ambassadors, Ministers, or other Diplomatic Agents to the Court of Peking; and His Majesty the Emperor of China may, in like manner, if He see fit, appoint Ambassadors, Ministers, or other Diplomatic Agents, to the Court of St. James'.

British Ambassador may reside at Peking, acquire houses, servants, etc., and shall be treated with respect.

ART. III.—His Majesty the Emperor of China hereby agrees, that the Ambassador, Minister, or other Diplomatic Agent, so appointed by Her Majesty the Queen of Great Britain, may reside, with his family and establishment, permanently at the capital, or may visit it occasionally, at the option of the British Government. He shall not

be called upon to perform any ceremony derogatory to him as representing the Sovereign of an independent nation on a footing of equality with that of China. On the other hand, he shall use the same forms of ceremony and respect to His Majesty the Emperor as are employed by the Ambassadors, Ministers, or Diplomatic Agents of Her Majesty towards the Sovereigns of independent and equal European nations.

It is further agreed, that Her Majesty's Government may acquire at Peking a site for building, or may hire houses for the accommodation of Her Majesty's Mission, and that the Chinese Government will assist it in so doing.

Her Majesty's Representative shall be at liberty to choose his own servants and attendants, who shall not be subjected to any kind of molestation whatever.

Any person guilty of disrespect or violence to Her Majesty's Representative, or to any member of his family or establishment, in deed or word, shall be severely punished.

He and his suite may travel at their pleasure, correspondence shall be free and inviolable. Expenses of Mission borne by British Government.

ART. IV.—It is further agreed, that no obstacle or difficulty shall be made to the free movements of Her Majesty's Representative, and that he, and the persons of his suite, may come and go, and travel at their pleasure. He shall, moreover, have full liberty to send and receive his correspondence to and from any point on the sea-coast that he may select; and his letters and effects shall be held sacred and inviolable. He may employ, for their transmission, special couriers, who shall meet with the same protection and facilities for travelling as the persons employed in carrying despatches for the Imperial Government; and, generally, he shall enjoy the same privileges as are accorded to officers of the same rank by the usage and consent of Western nations.

All expenses attending the Diplomatic Mission of Great Britain shall be borne by the British Government.

He shall transact business on a footing of equality with a Sec'y. of State, or a President of a Board appointed for the purpose.

ART. V.—His Majesty the Emperor of China agrees to nominate one of the Secretaries of State, or a President of one of the Boards, as the high officer with whom the Ambassador, Minister, or other Diplomatic Agent of Her Majesty the Queen shall transact business, either personally or in writing, on a footing of perfect equality.

Chinese Ambassador to have corresponding privileges in Great Britain.

ART. VI.—Her Majesty the Queen of Great Britain agrees that the privileges hereby secured shall be enjoyed in her dominions by the Ambassadors, Ministers, or Diplomatic Agents of the Emperor of China, accredited to the Court of Her Majesty.

British Consuls may reside in any open port or city and enjoy the same privileges as Consuls of the most favoured nation.

ART. VII.—Her Majesty the Queen may appoint one or more Consuls in the dominions of the Emperor of China; and such Consul or Consuls shall be at liberty to reside in any of the open ports or cities of China, as Her Majesty the Queen may consider most expedient for the interests of British commerce. They shall be treated with due respect by the Chinese authorities, and enjoy the same privileges and immunities as the Consular Officers of the most favoured nation.

Official Rank of Consuls, etc.

Consuls and Vice-Consuls in charge shall rank with Intendants of Circuits; Vice-Consuls, Acting Vice-Consuls, and Interpreters, with Prefects. They shall have access to the official residences of these officers, and communicate with them, either personally or in writing, on a footing of equality, as the interests of the public service may require.

Teachers or professors of Christianity to be protected.

ART. VIII.—The Christian religion, as professed by Protestants or Roman Catholics, inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching it or professing it

therefore, shall alike be entitled to the protection of the Chinese authorities; nor shall any such, peaceably pursuing their calling, and not offending against the laws, be persecuted or interfered with.

British subjects may travel and trade in the interior with passports, or for five days within 100 *li* from open ports without passport.

ART. IX.—British subjects are hereby authorized to travel, for pleasure or for purposes of trade, to all parts of the interior, under passports which will be issued by their Consuls, and countersigned by the local authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons or hiring vessels for the carriage of his baggage or merchandise. If he be without a passport or if he commit any offence against the law, he shall be handed over to the nearest Consul for punishment, but he must not be subjected to any ill-usage in excess of necessary restraint. No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 *li*, and for a period not exceeding five days.

The provisions of the Article do not apply to crews of ships, for the due restraint of whom regulations will be drawn up by the Consul and the local authorities.

To Nanking, and other cities disturbed by persons in arms against the Government, no pass shall be given until they shall have been recaptured.

British ships may trade at certain ports on the river Yangtsze.

ART. X.—British merchant-ships shall have authority to trade upon the Great River (Yang-tsze). The Upper and Lower Valley of the river being, however, disturbed by outlaws, no port shall be, for the present, opened to trade, with the exception of Chinkiang, which shall be opened in a year from the date of the signing of this Treaty.

So soon as peace shall have been restored, British vessels shall also be admitted to trade at such ports as far as Hankow, not exceeding three in number, as the British Minister, after consultation with the Chinese Secretary of State, may determine shall be ports of entry and discharge.

Five additional ports open to residence and trade under same privileges as at the ports already open.

ART. XI.—In addition to the cities and towns of Canton, Amoy, Foochow, Ningpo and Shanghai, opened by the Treaty of Nanking, it is agreed that British subjects may frequent the cities and ports of Newchwang, Tang-chow (*), (Taiwan) Formosa, Chao-chow (Swatow), and Kiung-chow (Hainan).

They are permitted to carry on trade with whomsoever they please, and to proceed to and fro at pleasure with their vessels and merchandise.

They shall enjoy the same privileges, advantages, and immunities at the said towns and ports as they enjoy at the ports already opened to trade, including the right of residence, of buying or renting houses, of leasing land therein, and of building churches, hospitals, and cemeteries.

Land may be purchased at any places at prevailing rates without exaction.

ART. XII.—British subjects, whether at the ports or at other places, desiring to build or open houses, warehouses, churches, hospitals, or burial-grounds, shall make their agreement for the land or buildings they require at the rates prevailing among the people, equitably, and without exaction on either side.

No restrictions on employment of Chinese by British subjects

ART. XIII.—The Chinese Government will place no restrictions whatever upon the employment, by British subjects, of Chinese subjects in any lawful capacity.

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* Chefoo

No monopolies or restrictions as to cargo and passenger-boats and coolies.

ART. XIV.—British subjects may hire whatever boats they please for the transport of goods or passengers, and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government. The number of these boats shall not be limited, nor shall a monopoly in respect either of the boats, or of the porters or coolies engaged in carrying the goods, be granted to any parties. If any smuggling takes place in them, the offenders will, of course, be punished according to law.

British Authorities to decide questions between British subjects.

ART. XV.—All questions in regard to rights, whether of property or person, arising between British subjects, shall be subject to the jurisdiction of the British authorities.

Chinese criminals to be punished by Chinese authorities, British criminals in China by British Consul.

ART. XVI. (*)—Chinese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by the Chinese authorities, according to the laws of China.

British subjects, who may commit any crime in China, shall be tried and punished by the Consul, or other public functionary authorized thereto, according to the laws of Great Britain.

Justice shall be equitably and impartially administered on both sides.

Mode of settling disputes between British and Chinese subjects.

ART. XVII.—A British subject having reason to complain of a Chinese must proceed to the Consulate aud state his grievance. The Consul will inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Chinese have reason to complain of a British subject, the Consul shall no less listen to his complaint, and endeavour to settle it in a friendly manner. If disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of the Chinese authorities that they may together examine into the merits of the case, and decide it equitably.

Chinese Authorities shall protect persons and property of British subjects from insult, bring offenders to justice, and

ART. XVIII.—The Chinese authorities shall at all times afford the fullest protection to the persons and property of British subjects, whenever these shall have been subjected to insult or violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder, and the arrest of the guilty parties, whom they will punish according to law.

punish pirates attacking British ships in Chinese waters.

ART. XIX.—If any British merchant-vessel, while within Chinese waters, be plundered by robbers of pirates, it shall be the duty of the Chinese authorities to use every endeavour to capture and punish the said robbers or pirates, and to recover the stolen property, that it may be handed over to the Consul for restoration to the owner.

Chinese Authorities shall relieve British ships wrecked, or seeking refuge on Chinese coast.

ART. XX.—If any British vessel be at any time wrecked or stranded on the coast of China, or be compelled to take refuge in any port within the dominions of the Emperor of China, the Chinese authorities, on being apprised of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and shall be furnished, if necessary, with the means of conveyance to the nearest Consular station.

Chinese offenders taking refuge in British houses or ships at Hongkong or at the open ports to be given up to Chinese authorities.

ART. XXI.—If criminals, subjects of China, shall take refuge in Hongkong, or on board the British ships there, they shall, upon due requisition by the Chinese authorities, be searched for, and, on proof of their guilt, be delivered up.

In like manner, if Chinese offenders take refuge in the houses or on board the vessels of British subjects at the open ports, they shall

* See Agreement of Chefoo, II, Art. ii.

not be harboured or concealed, but shall be delivered up, on due requisition by the Chinese authorities, addressed to the British Consul.

Absconding debtors to be brought to justice.

ART. XXII.—Should any Chinese subject fail to discharge debts incurred to a British subject, or should he fraudulently abscond, the Chinese authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The British authorities will likewise do their utmost to bring to justice any British subject fraudulently absconding or failing to discharge debts incurred by him to a Chinese subject.

Chinese debtors absconding from Hongkong and having property in China to be brought to justice.

ART. XXIII.—Should natives of China who may repair to Hongkong to trade, incur debts there, the recovery of such debts must be arranged for by the English Courts of Justice on the spot; but should the Chinese debtor abscond, and be known to have property, real or personal, within the Chinese territory, it shall be the duty of the Chinese authorities, on application by, and in concert with, the British Consul, to do their utmost to see justice done between the parties.

British subjects to pay Duties prescribed by Tariff, but none other than subjects of other nations.

ART. XXIV.—It is agreed that British subjects shall pay, on all merchandise imported or exported by them, the duties prescribed by the tariff; but in no case shall they be called upon to pay other or higher duties than are required of the subjects of any other foreign nation.

Import and Export Duties, when payable.

ART. XXV.—Import duties shall be considered payable on the landing of the goods, and duties of export on the shipment of the same.

Revised Tariff to be framed by British and Chinese officers to come into operation on ratification of Treaty.

ART. XXVI.—Whereas the tariff fixed by Article X of the Treaty of Nanking, and which was estimated so as to impose on imports and exports a duty at about the rate of five per cent. *ad valorem*, has been found, by reason of the fall in value of various articles of merchandise, therein enumerated, to impose a duty upon these, considerably in excess of the rate originally assumed, as above, to be a fair rate, it is agreed that the said tariff shall be revised, and that as soon as the Treaty shall have been signed, application shall be made to the Emperor of China to depute a high officer of the Board of Revenue to meet, at Shanghai, officers to be deputed on behalf of the British Government, to consider its revision together, so that the tariff, as revised, may come into operation immediately after the ratification of this Treaty.

Tariff and Commercial Articles of this Treaty may be revised every ten years.

ART. XXVII.—It is agreed that either of the High Contracting Parties to this Treaty may demand a further revision of the Tariff, and of the Commercial Articles of this Treaty, at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years; and so it shall be, at the end of each successive ten years.

Amount of internal Transit Duties to be notified at each open port. Transit Dues when payable.

ART. XXVIII.—Whereas it was agreed in Article X of the Treaty of Nanking, that British imports, having paid the tariff duties, should be conveyed into the interior free of all further charges, except a transit duty, the amount whereof was not to exceed a certain percentage on tariff value; and whereas no accurate information having been furnished of the amount of such duty, British merchants have constantly complained that charges are suddenly and arbitrarily imposed by the provincial authorities as transit duties upon produce on its way to the foreign market, and on imports on their way into the interior, to the detriment of trade; it is agreed that within four months from the signing of this Treaty, at all ports now open to British trade, and within a similar period at all ports that may

hereafter be opened, the authority appointed to superintend the collection of duties shall be obliged, upon application of the Consul, to declare the amount of duties leviable on produce between the place of production and the port of shipment, and upon imports between the Consular port in question and the inland markets named by the Consul; and that a notification thereof shall be published in English and Chinese for general information.

Commutation for Transit Duties.

But it shall be at the option of any British subject, desiring to convey produce purchased inland to a port, or to convey imports from a port to an inland market, to clear his goods of all transit duties, by payment of a single charge. The amount of this charge shall be leviable on exports at the first barrier they may have to pass, or, on imports, at the port at which they are landed; and on payment thereof, a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever. (*)

It is further agreed that the amount of this charge shall be calculated, as nearly as possible, at the rate of two and a-half per cent. *ad valorem*, and that it shall be fixed for each article at the Conference to be held at Shanghai for the revision of the Tariff.

It is distinctly understood that the payment of transit dues, by commutation or otherwise, shall in no way affect the tariff duties on imports or exports, which will continue to be levied separately and in full.

Rate of Tonnage Dues.

ART. XXIX.—British merchant-vessels, of more than one hundred and fifty tons burden, shall be charged tonnage dues at the rate of four mace per ton; if of one hundred and fifty tons and under, they shall be charged at the rate of one mace per ton.

Certificate of exemption.

Any vessels clearing from any of the open ports of China for any other of the open ports, or for Hongkong, shall be entitled, on application of the master, to a special certificate from the Customs, on exhibition of which she shall be exempted from all further payment of tonnage dues in any open port of China, for a period of four months, to be reckoned from the date of her port-clearance.

Tonnage Dues payable by ships 48 hours in port;

ART. XXX.—The master of any British merchant-vessel may, within forty-eight hours after the arrival of his vessel, but not later, decide to depart without breaking bulk, in which case he will not be subject to pay tonnage dues. But tonnage dues shall be held due after the expiration of the said forty-eight hours. No other fees or charges upon entry or departure shall be levied.

no other fees.

Boats conveying passengers or duty-free articles not subject to Tonnage Dues. Cargo-boats to pay Tonnage Dues.

ART. XXXI.—No tonnage dues shall be payable on boats employed by British subjects in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, between any of the open ports. All cargo boats, however, conveying merchandise subject to duty shall pay tonnage dues once in four months at the rate of one mace per register ton.

Beacons, light-vessels, etc.

ART. XXXII.—The Consuls and Superintendents of Customs shall consult together regarding the erection of beacons of lighthouses and the distribution of buoys and lightships, as occasion may demand.

Duties to be paid to Government Bankers.

ART. XXXIII.—Duties shall be paid to the bankers authorized by the Chinese Government to receive the same in its behalf, either in sycee or in foreign money, according to the assay made at Canton on the thirteenth of July, one thousand eight hundred and forty-three.

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* See Tariff Rules, Art. VII; and Agreement of Chefoo, III, Art. iv.

Superintendent of Customs will deliver to Consuls standards of weight and measure.

ART. XXXIV.—Sets of standard weights and measures, prepared according to the standard issued to the Canton Custom-house by the Board of Revenue, shall be delivered by the Superintendent of Customs to the Consul at each port, to secure uniformity and prevent confusion.

British merchant ships may engage pilots.

ART. XXXV.—Any British merchant-vessel arriving at one of the open ports shall be at liberty to engage the services of a pilot to take her into port. In like manner, after she has discharged all legal dues and duties, and is ready to take her departure, she shall be allowed to select a pilot to conduct her out of port.

Customs' officers to guard a ship arriving off a port—no fees payable.

ART. XXXVI.—Whenever a British merchant-vessel shall arrive off one of the open ports, the Superintendent of Customs shall depute one or more Customs' officers to guard the ship. They shall either live in a boat of their own or stay on board the ship, as may best suit their convenience. Their food and expenses shall be supplied them from the Custom-house, and they shall not be entitled to any fees whatever from the master or consignee. Should they violate this regulation, they shall be punished proportionately to the amount exacted.

Within 24 hours of arrival in port the Ship's papers to be lodged with Consul, so that he may report to Superintendent of Customs —Fine for delay.

ART. XXXVII.—Within twenty-four hours after arrival, the ship's papers, bills of lading, etc., shall be lodged in the hands of the Consul, who will, within a further period of twenty-four hours, report to the Superintendent of Customs the name of the ship, her register tonnage, and the nature of her cargo. If, owing to neglect on the part of the master, the above rule is not complied with, within forty-eight hours after the ship's arrival, he shall be liable to a fine of fifty taels for every day's delay; the total amount of penalty, however, shall not exceed two hundred taels.

—False Manifest—Penalty.

The master will be responsible for the correctness of the manifest, which shall contain a full and true account of the particulars of the cargo on board. For presenting a false manifest, he will subject himself to a fine of five hundred taels; but he will be allowed to correct, within twenty-four hours after delivery of it to the Customs' officers, any mistake he may discover in his manifest, without incurring this penalty.

Permit to open hatches. Penalty for discharging without permit.

ART. XXXVIII.—After receiving from the Consul the report in due form, the Superintendent of Customs shall grant the vessel a permit to open hatches. If the master shall open hatches and begin to discharge any goods without such permission, he shall be fined five hundred taels, and the goods discharged shall be confiscated wholly.

Special permits. Goods unlawfully shipped or landed will be confiscated.

ART. XXXIX.—Any British merchant who has cargo to land or ship, must apply to the Superintendent of Customs for a special permit. Cargo landed, or shipped, without such permit will be liable to confiscation.

Goods transhipped without special permit will be confiscated.

ART. XL.—No transhipment from one vessel to another can be made without special permission, under pain of confiscation of the goods so transhipped.

When dues are paid Port Clearance will be given.

ART. XLI.—When all dues and duties shall have been paid, the Superintendent of Customs shall give a port-clearance, and the Consul shall then return the ship's papers, so that she may depart on her voyage.

Mode of fixing value of goods subject to an *ad valorem* duty.

ART. XLII.—With respect to articles subject, according to the Tariff, to an *ad valorem* duty, if the British merchant cannot agree with the Chinese officer in affixing a value, then each party shall call two or three merchants to look at the goods, and the highest price at which any of these merchants would be willing to purchase them shall be assumed as the value of the goods.

Duty charged on net weight of goods. Mode of settling tare. Mode of adjusting difficulties between Customs' officers and Merchants.

ART. XLIII.—Duties shall be charged upon the net weight of each article, making a deduction for the tare, weight of congee, etc. To fix the tare on any article, such as tea, if the British merchant cannot agree with the Custom-house officer, then each party shall choose so many chests out of every hundred, which being first weighed in gross, shall afterwards be tared, and the average tare upon these chests shall be assumed as the tare upon the whole; and upon this principle shall the tare be fixed upon all other goods and packages. If there should be any other points in dispute which cannot be settled, the British merchant may appeal to his Consul, who will communicate the particulars of the case to the Superintendent of Customs, that it may be equitably arranged. But the appeal must be made within twenty-four hours or it will not be attended to. While such points are still unsettled, the Superintendent of Customs shall postpone the insertion of the same in his books.

Amount of reduction of duty on damaged goods, how settled.

ART. XLIV.—Upon all damaged goods a fair reduction of duty shall be allowed, proportionate to their deterioration. If any disputes arise, they shall be settled in the manner pointed out in the clause of this Treaty having reference to articles which pay duty *ad valorem*.

Duty paid Imports re-exported may be imported at another Chinese port without paying import duty; if they are re-exported to a foreign port a drawback certificate will be granted.

ART. XLV.—British merchants who may have imported merchandise into any of the open ports, and paid the duty thereon, if they desire to re-export the same, shall be entitled to make application to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered in the Custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged. He shall then make a memorandum on the port-clearance, of the goods and of the amount of duties paid, and deliver the same to the merchant; and shall also certify the facts to the officers of Customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, everything being found on examination there to correspond, she shall be permitted to break bulk, and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to confiscation by the Chinese Government.

British merchants desiring to re-export duty-paid imports to a foreign country, shall be entitled, on complying with the same conditions as in the case of re-exportation to another port in China, to a drawback-certificate, which shall be a valid tender to the Customs in payment of import or export duties. (*)

Foreign grain brought into port, but not landed, may be re-exported.

Foreign grain brought into any port of China in a British ship, if no part thereof has been landed, may be re-exported without hindrance.

Chinese authorities may adopt such means as they judge proper to prevent smuggling.

ART. XLVI.—The Chinese authorities at each port shall adopt the means they may judge most proper to prevent the revenue suffering from fraud or smuggling.

Ships trading elsewhere than at the open ports, subject with their cargo to confiscation.

ART. XLVII.—British merchant-vessels are not entitled to resort to other than the ports of trade declared open by this Treaty. They are not unlawfully to enter other ports in China, or to carry on clandestine trade along the coasts thereof. Any vessel violating this provision, shall, with her cargo, be subject to confiscation by the Chinese Government.

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* See Agreement of Chefoo, III., Art. v.

ART. XLVIII.—If any British merchant-vessel be concerned in smuggling, the goods, whatever their value or nature, shall be subject to confiscation by the Chinese authorities, and the ship may be prohibited from trading further, and sent away as soon as her accounts shall have been adjusted and paid.

Ships concerned in smuggling goods, may be prohibited from trading and the goods confiscated.

ART. XLIX.—All penalties enforced, or confiscations made, under this Treaty, shall belong and be appropriated to the public service of the Government of China.

All penalties and confiscations to be appropriated to Chinese Government.

ART. L.—All official communications addressed by the Diplomatic and Consular Agents of Her Majesty the Queen to the Chinese authorities, shall, henceforth, be written in English. They will for the present be accompanied by a Chinese version, but it is understood that, in the event of there being any difference of meaning between the English and Chinese text, the English Government will hold the sense as expressed in the English text to be the correct sense. This provision is to apply to the Treaty now negotiated, the Chinese text of which has been carefully corrected by the English original.

Official correspondence to be in English with Chinese version. The English text to be held as correct. This applies to present Treaty.

ART. LI.—It is agreed, that henceforward the character 夷 "*I*" (Barbarian) shall not be applied to the Government or subjects of Her Britannic Majesty, in any Chinese official document issued by the Chinese authorities either in the capital or in the provinces.

Use of the character "I" (Barbarian) to be discontinued.

ART. LII.—British ships of war coming for no hostile purpose, or being engaged in the pursuit of pirates, shall be at liberty to visit all ports within the dominions of the Emperor of China, and shall receive every facility for the purchase of provisions, procuring water, and, if occasion require, for the making of repairs. The Commanders of such ships shall hold intercourse with the Chinese authorities on terms of equality and courtesy.

British ships of war may visit all ports in China, and receive facilities for refitting, etc.

ART. LIII.—In consideration of the injury sustained by native and foreign commerce from the prevalence of piracy in the seas of China, the High Contracting Parties agree to concert measures for its suppression.

Measures to be concerted for suppression of piracy.

ART. LIV.—The British Government and its subjects are hereby confirmed in all privileges, immunities, and advantages conferred on them by previous Treaties; and it is hereby expressly stipulated, that the British Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nation.

Confirmation of former privileges, and treatment as most favoured nation.

ART. LV.—In evidence of Her desire for the continuance of a friendly understanding, Her Majesty the Queen of Great Britain consents to include in a Separate Article, which shall be in every respect of equal validity with the Articles of this Treaty, the conditions affecting indemnity for expenses incurred and losses sustained in the matter of the Canton question.

Indemnity for expenses and losses at Canton

ART. LVI.—The ratifications of this Treaty, under the hand of Her Majesty the Queen of Great Britain and Ireland, and His Majesty the Emperor of China, respectively, shall be exchanged at Peking, within a year from this day of signature.

Exchange of ratifications.

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

June 26th, 1858. Done at Tientsin, this twenty-sixth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, corresponding with the Chinese date the sixteenth day, fifth moon, of the eighth year of Hien Fung.

[L.S] (Signed) ELGIN AND KINCARDINE.

[L.S.] Signature of First Chinese Plenipotentiary.

[L.S.] Signature of Second Chinese Plenipotentiary.

SEPARATE ARTICLE ANNEXED TO THE TREATY CONCLUDED BETWEEN GREAT BRITAIN AND CHINA, ON THE TWENTY-SIXTH DAY OF JUNE, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

The authorities in Kwangtung shall pay the British Representative two million Taels for losses at Canton, and two million Taels for British Military expenditure—on these amounts the British forces will be withdrawn from Canton.

It is hereby agreed that a sum of two millions of taels, on account of the losses sustained by British subjects through the misconduct of the Chinese authorities at Canton; and a further sum of two millions of taels on account of the military expenses of the expedition which Her Majesty the Queen has been compelled to send out for the purpose of obtaining redress, and of enforcing the due observance of Treaty provisions, shall be paid to Her Majesty's Representative in China by the authorities of the Kwang Tung province.

The necessary arrangements with respect to the time and mode of effecting these payments shall be determined by Her Majesty's Representative, in concert with the Chinese authorities of Kwang Tung.

When the above amounts shall have been discharged in full, the British forces will be withdrawn from the city of Canton.

Done at Tientsin, this twenty-sixth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, corresponding with the Chinese date, the sixteenth day, fifth moon, of the eighth year of Hien Fung.

[L.S.] (Signed) ELGIN AND KINCARDINE.

[L.S.] Signature of First Chinese Plenipotentiary.

[L.S.] Signature of Second Chinese Plenipotentiary.

AGREEMENT

IN PURSUANCE OF ARTICLES 26 AND 28 OF THE TREATY OF TIENTSIN.

Signed at Shanghai, 8th November, 1858.

Agreement.

WHEREAS it was provided, by the Treaty of Tientsin, that a Conference should be held at Shanghai between Officers deputed by the British Government on the one part, and by the Chinese Government on the other part, for the purpose of determining the amount of tariff-duties and transit dues to be henceforth levied, a Conference has been held accordingly; and its proceedings having been submitted to the Right Honourable the Earl of Elgin and Kincardine, High Commissioner and Plenipotentiary of Her Majesty the Queen, on the one part; and to Kweiliang, Hwashana, Ho Kwei-tsing, Ming-shen, and Twan Ching-shih, High Commissioners and Plenipotentiaries of His Imperial Majesty the Emperor, on the other part, these High Officers have agreed and determined upon the revised Tariff hereto appended, the rate of transit dues therewith declared, together with other Rules and Regulations for the better explanation of the Treaty aforesaid; and do hereby agree that the said Tariff and Rules—the latter being in ten Articles thereto appended—shall be equally binding on the Governments and subjects of both countries with the Treaty itself.

In Witness whereof, they hereto affix their Seals and Signatures.

Done at Shanghai, in the Province of Kiangsu, this eighth day of November in the year of our Lord eighteen hundred and fifty-eight being the third day of the tenth moon of the eighth year of the reign of Hien Fung.

[L.S.] (Signed) ELGIN AND KINCARDINE.

Seal of the Chinese Plenipotentiaries.	Signatures of the Five Chinese Plenipotentiaries.

TARIFF OF DUTIES ON THE BRITISH TRADE WITH CHINA.

1.—TARIFF ON IMPORTS.

		T.	*m.*	*c.*	*c.*
Agar-agar	per 100 catties	0	1	5	0
Asafœtida	,, ,,	0	6	5	0
Beeswax, Yellow	,, ,,	1	0	0	0
Betel-nut	,, ,,	0	1	5	0
,, Husk	,, ,,	0	0	7	5
Biche-de-mer, Black	,, ,,	1	5	0	0
,, White	,, ,,	0	3	5	0
Birds' nests, 1st quality	,, catty	0	5	5	0
,, 2d ,,	,, ,,	0	4	5	0
,, 3d ,, or uncleaned	,, ,,	0	1	5	0

		T.	*m.*	*c.*	*c.*
Buttons, Brass	per gross	0	0	5	5
Camphor, Baroos, clean	,, catty	1	3	0	0
,, ,, refuse	,, ,,	0	7	2	0
Canvas and Cotton Duck, not exceeding 50yds. long	,, piece	0	4	0	0
Cardamoms, Superior	,, 100 catties	1	0	0	0
,, Inferior, or Grains of Paradise	,, ,,	0	5	0	0
Cinnamon	,, ,,	1	5	0	0
Clocks	5 per cent	*ad valorem*			
Cloves	per 100 catties	0	5	0	0
,, Mother	,, ,,	0	1	8	0
Coal, Foreign	,, ton	0	0	5	0
Cochineal	,, 100 catties	5	0	0	0
Coral	,, catty	0	1	0	0
Cordage, Manila	,, 100 catties	0	3	5	0
Cornelians	,, 100 stones	0	3	0	0
,, Beads	,, 100 catties	7	0	0	0
Cotton, Raw	,, ,,	0	3	5	0
Cotton Piece Goods—Grey, White, Plain, and Twilled exceeding 34in. wide, and not exceeding 40yds. long	,, piece	0	0	8	0
,, ,, ,, exceeding 34in. wide, and not exceeding 40yds. long	,, every 10yds.	0	0	2	0
,, ,, ,, Drills and Jeans, not exceeding 30in. wide, and not exceeding 40yds. long	,, piece	0	1	0	0
,, ,, ,, not exceeding 30in. wide, and not exceeding 30yds. long	,, ,,	0	0	7	5
,, ,, ,, *T*-Cloths, not exceeding 34in. wide, and not exceeding 48yds. long	,, ,,	0	0	8	0
,, ,, ,, not exceeding 34in. wide, and not exceeding 24yds. long	,, ,,	0	0	4	0
,, Dyed, Figured and Plain, not exceeding 36in. wide, and not exceeding 40yds long	,, ,,	0	1	5	0
,, Fancy, White Brocades and White Spotted Shirting, not exceeding 36in. wide and not exceeding 40yds. long	,, ,,	0	1	0	0
,, Printed, Chintzes and Furnitures, not exceeding 31in. wide, and not exceeding 30yds. long	,, ,,	0	0	7	0
,, Cambrics, not exceeding 46in. wide, and not exceeding 24yds. long	,, ,,	0	0	7	0
,, ,, not exceeding 46in. wide, and not exceeding 12yds. long	,, ,,	0	0	3	5
,, Muslins, not exceeding 46in. wide, and not exceeding 24yds. long	,, ,,	0	0	7	5
,, ,, not exceeding 46in. wide, and not exceeding 12yds. long	,, ,,	0	0	3	5
,, Damasks, not exceeding 36in. wide, and not exceeding 40dys. long	,, ,,	0	2	0	0
,, Dimities, or Quiltings, not exceeding 40in. wide, and not exceeding 12yds. long	,, ,,	0	0	6	5
Cotton Ginghams, not exceeding 28in. wide, and not exceeding 30yds. long	,, ,,	0	0	3	5
,, Handkerchiefs, not exceeding 1yd. square	,, dozen	0	0	2	5
,, Fustians, not exceeding 35yds. long	,, piece	0	2	0	0
,, Velveteens, not exceeding 34yds. long	,, ,,	0	1	5	0
,, Thread	,, 100 catties	0	7	2	0
,, Yarn	,, ,,	0	7	0	0
Cow Bezoar, Indian	,, catty	1	5	0	0
Cutch	,, 100 catties	0	1	8	0
Elephants' Teeth, Whole	,, ,,	4	0	0	0
,, ,, Broken	,, ,,	3	0	0	0
Feathers, Kingfisher's, Peacock's	,, hundred	0	4	0	0
Fish-maws	,, 100 catties	1	0	0	0
Fish-skins	,, ,,	0	2	0	0
Flints	,, ,,	0	0	3	0
Gambier	,, ,,	0	1	5	0
Gamboge	,, ,,	1	0	0	0
Ginseng, American, Crude	,, ,,	6	0	0	0
,, ,, Clarified	,, ,,	8	0	0	0
Glass, Window	,, box of 100 sq. ft.	0	1	5	0
Glue	,, 100 catties	0	1	5	0

		T.	m.	c.	c.
Gold Thread, Real	per catty	1	6	0	0
,, ,, Imitation	,, ,,	0	0	3	0
Gum Benjamin	,, 100 catties	0	6	0	0
,, ,, Oil of	,, ,,	0	6	0	0
,, Dragon's Blood	,, ,,	0	4	5	0
,, Myrrh	,, ,,	0	4	5	0
,, Olibanum	,, ,,	0	4	5	0
Hides, Buffalo and Cow	,, ,,	0	5	0	0
,, Rhinoceros	,, ,,	0	4	2	0
Horns, Buffalo	,, ,,	0	2	5	0
,, Deer	,, ,,	0	2	5	0
,, Rhinoceros	,, ,,	2	0	0	0
Indigo, Liquid	,, ,,	0	1	8	0
Isinglass	,, ,,	0	6	5	0
Lacquered Ware	,, ,,	1	0	0	0
Leather	,, ,,	0	4	2	0
Linen, fine, as Irish or Scotch, not exceeding 50-yds. long	,, piece	0	5	0	0
,, coarse, as Linen and Cotton, or Silk and Linen mixtures not exceeding 50-yds. long	,, ,,	0	2	0	0
Lucraban Seeds	,, 100 catties	0	0	3	5
Mace	,, ,,	1	0	0	0
Mangrove Bark	,, ,,	0	0	3	0
Metals—Copper, manufactured, as in Sheets, Rods Nails	,, ,,	1	5	0	0
,, ,, unmanufactured, as in Slabs	,, ,,	1	0	0	0
,, ,, Yellow Metal, Sheating, and Nails	,, ,,	0	9	0	0
,, ,, Japan	,, ,,	0	6	0	0
,, Iron, manufactured, as in Sheets, Rods, Bars, Hoops	,, ,,	0	1	2	5
,, ,, unmanufactured, as in Pigs	,, ,,	0	0	7	5
,, ,, Kentledge	,, ,,	0	0	1	0
,, ,, Wire	,, ,,	0	2	5	0
,, Lead, in Pigs	,, ,,	0	2	5	0
,, ,, in Sheets	,, ,,	0	5	5	0
,, Quicksilver,	,, ,,	2	0	0	0
Metals—Spelter, (saleable only under Regulation appended)	,, ,,	0	2	5	0
,, Steel	,, ,,	0	2	5	0
,, Tin	,, ,,	1	2	5	0
,, Tin Plates	,, ,,	0	4	0	0
Mother-o'Pearl Shell	,, ,,	0	2	0	0
Musical Boxes	5 per cent.	*ad valorem*			
Mussels, Dried	per 100 catties	0	2	0	0
Nutmegs	,, ,,	2	5	0	0
Olives, Unpicked, Salted, or Pickled	,, ,,	0	1	8	0
Opium	,, ,,	30	0	0	0
Pepper, Black	,, ,,	0	3	6	0
,, White	,, ,,	0	5	0	0
Prawns, Dried	,, ,,	0	3	6	0
Putchuck	,, ,,	0	6	0	0
Rattans	,, ,,	0	1	5	0
Rose Maloes	,, ,,	1	0	0	0
Salt Fish	,, ,,	0	1	8	0
Salpetre (saleable only under Regulation appended)	,, ,,	0	5	0	0
Sandalwood	,, ,,	0	4	0	0
Sapanwood	,, ,,	0	1	0	0
Seahorse Teeth	,, ,,	2	0	0	0
Sharks' Fins, Black	,, ,,	0	5	0	0
,, ,, White	,, ,,	1	5	0	0
,, Skins	,, ,,	2	0	0	0
Silver Thread, Real,	,, catty	1	3	0	0
,, ,, Imitation	,, ,,	0	0	3	0
Sinews, Buffalo and Deer	,, 100 catties	0	5	5	0
Skins, Fox, large	each	0	1	5	0
,, ,, small	,,	0	0	7	5
,, Marten	,,	0	1	5	0
,, Sea Otter	,,	1	5	0	0
,, Tiger and Leopard	,,	0	1	5	0
,, Beaver	per hundred	5	0	0	0
,, Doe, Hare and Rabbit	,, ,,	0	5	0	0
,, Squirrel	,, ,,	0	5	0	0

		T.	m.	c.	c.
Skins, Land Otter	per hundred	2	0	0	0
,, Raccoon	,, ,,	2	0	0	0
Smalts	,, 100 catties	1	5	0	0
Snuff, Foreign	,, ,,	7	2	0	0
Sticklac	,, ,,	0	3	0	0
Stockfish	,, ,,	0	5	0	0
Sulphur and Brimstone (saleable only under Regulation appended)	,, ,,	0	2	0	0
Telescopes, Spy and Opera Glasses, Looking Glasses and Mirrors	5 per cent.	*ad valorem*			
Tigers' Bones	per 100 catties	1	5	5	0
Timber—Masts and Spars, Hard-wood, not exceeding 40ft.	each	4	0	0	0
,, ,, ,, ,, ,, ,, 60ft.	,,	6	0	0	0
,, ,, ,, ,, exceeding 60ft.	,,	10	0	0	0
,, ,, ,, Soft-wood, not exceeding 40ft.	,,	2	0	0	0
,, ,, ,, ,, ,, ,, 60ft.	,,	4	5	0	0
,, ,, ,, ,, exceeding 60ft.	,,	6	5	0	0
,, Beams, Hard-wood, not exceeding 26ft. long, and under 12in. square	,,	0	1	5	0
,, Planks, Hard-wood, not exceeding 24ft. long, 12in. wide, and 3in. thick	,, hundred	3	5	0	0
,, Planks, Hard-wood, not exceeding 16ft. long, 12in. wide, and 3in. thick	,, ,,	2	0	0	0
,, Planks, Soft-wood	,, 1,000 sq. ft.	0	7	0	0
,, ,, Teak	,, cubic foot	0	0	3	5
Tinder	,, 100 catties	0	3	5	0
Tortoise Shell	,, catty	0	2	5	0
,, ,, broken	,, ,,	0	0	7	2
Umbrellas	each	0	0	3	5
Velvets, not exceeding 34yds. long	per piece	0	1	8	0
Watches*	,, pair	1	0	0	0
,, émaillées à perles*	,, ,,	4	5	0	0
Wax, Japan	,, 100 catties	0	6	5	0
Wood, Camagon	,, ,,	0	0	3	0
,, Ebony	,, ,,	0	1	5	0
,, Garroo	,, ,,	2	0	0	0
,, Fragrant	,, ,,	0	4	5	0
,, Kranjee, 35ft. long, 1ft. 8in. wide, and 1ft. thick	each	0	8	0	0
,, Laka	per 100 catties	0	1	4	5
,, Red	,, ,,	0	1	1	5
Woollen Manufactures, viz: Blankets	,, pair	0	2	0	0
,, Broadcloth and Spanish Stripes, Habit and Medium Cloth, 51in. @ 64in. wide	,, chang	0	1	2	0
,, Long Ells 31in. wide	,, ,,	0	0	4	5
,, Camlets, English, 31in. wide	,, ,,	0	0	5	0
,, ,, Dutch, 33in. wide	,, ,,	0	1	0	0
,, ,, Imitation and Bombazettes	,, ,,	0	0	3	5
,, Cassimeres, Flannel and Narrow Cloth	,, ,,	0	0	4	0
,, Lastings, 31in. wide	,, ,,	0	0	5	0
Woollen Lastings, Imitation and Orleans, 34in. wide	,, ,,	0	0	3	5
,, Bunting, not exceeding 24in. wide 40yds. long	,, piece	0	2	0	0
,, and Cotton Mixtures, viz: Lustres, Plain and Brocaded, not exceeding 31yds. long	,, ,,	0	2	0	0
,, Inferior Spanish Stripes	,, chang	0	1	0	0
,, Yarn	,, 100 catties	3	0	0	0

II.—TARIFF ON EXPORTS.

		T.	m.	c.	c.
Alum	per 100 catties	0	0	4	5
,, Green, or Copperas	,, ,,	0	1	0	0
Aniseed, Star	,, ,,	0	5	0	0
,, Broken	,, ,,	0	2	5	0
,, Oil	,, ,,	5	0	0	0
Apricot Seeds, or Almonds	,, ,,	0	4	5	0
Arsenic	,, ,,	0	4	5	0

* By agreement, 1869, duty on Watches altered to 5 per cent. *ad valorem*.

		T.	*m.*	*c.*	*c.*
Artificial Flowers	per 100 catties	1	5	0	0
Bamboo Ware	,, ,,	0	7	5	0
Bangles, or Glass Armlets	,, ,,	0	5	0	0
Beans and Peas (except from Newchwang and Tangchow)*	,, ,,	0	0	6	0
Bean Cake (except from Newchwang and Tangchow)*	,, ,,	0	0	3	5
Bone and Horn Ware	,, ,,	1	5	0	0
Brass Buttons	,, ,,	3	0	0	0
,, Foil	,, ,,	1	5	0	0
,, Ware	,, ,,	1	0	0	0
,, Wire	,, ,,	1	1	5	0
Camphor	,, ,,	0	7	5	0
Canes	,, thousand	0	5	0	0
Cantharides	,, 100 catties	2	0	0	0
Capoor Cutchery	,, ,,	0	3	0	0
Carpets and Druggets	,, hundred	3	5	0	0
Cassia Lignea	,, 100 catties	0	6	0	0
,, Buds	,, ,,	0	8	0	0
,, Twigs	,, ,,	0	1	5	0
,, Oil	,, ,,	9	0	0	0
Castor Oil	,, ,,	0	2	0	0
Chestnuts	,, ,,	0	1	0	0
China Root	,, ,,	0	1	3	0
Chinaware, Fine	,, ,,	0	9	0	0
,, Coarse	,, ,,	0	4	5	0
Cinnabar	,, ,,	0	7	5	0
Clothing, Cotton	,, ,,	1	5	0	0
,, Silk	,, ,,	10	0	0	0
Coal	,, ,,	0	0	4	0
Coir	,, ,,	0	1	0	0
Copper, Ore	,, ,,	0	5	0	0
,, Sheathing Old	,, ,,	0	5	0	0
,, and Pewter Ware	,, ,,	1	1	5	0
Corals, False	,, ,,	0	3	5	0
Cotton, Raw	,, ,,	0	3	5	0
,, Rags	,, ,,	0	0	4	5
Cow Bezoar	,, catty	0	3	6	0
Crackers, Fireworks	,, 100 catties	0	5	0	0
Cubebs	,, ,,	1	5	0	0
Curiosities, Antiques	5 per cent.	*ad valorem*			
Dates, Black	per 100 catties	0	1	5	0
,, Red	,, ,,	0	0	9	0
Dye, Green	,, catty	0	8	0	0
Eggs, Preserved	,, thousand	0	3	5	0
Fans, Feather	,, hundred	0	7	5	0
,, Paper	,, ,,	0	0	4	5
,, Palm Leaf, trimmed	,, thousand	0	3	6	0
,, ,, ,, untrimmed	,, ,,	0	2	0	0
Felt Cuttings	,, 100 catties	0	1	0	0
,, Caps	,, hundred	1	2	5	0
Fungus, or Agaric	,, 100 catties	0	6	0	0
Galangal	,, ,,	0	1	0	0
Garlic	,, ,,	0	0	3	5
Ginseng, Native	5 per cent.	*ad valorem*			
,, Corean or Japan, 1st quality	per catty	0	5	0	0
,, ,, ,, 2nd ,,	,, ,,	0	3	5	0
Glass Beads	,, 100 catties	0	5	0	0
,, or Vitrified Ware	,, ,,	0	5	0	0
Grasscloth, Fine	,, ,,	2	5	0	0
,, Coarse	,, ,,	0	7	5	0
Ground-nuts	,, ,,	0	1	0	0
,, Cake	,, ,,	0	0	3	0
Gypsum, Ground, or Plaster of Paris	,, ,,	0	0	3	0
Hair Camel's	,, ,,	1	0	0	0
,, Goat's	,, ,,	0	1	8	0
Hams	,, ,,	0	5	5	0
Hartall, or Orpiment	,, ,,	0	3	5	0
Hemp	,, ,,	0	3	5	0

* This Exception abrogated by Agreement, March, 1862.

		T.	m.	c.	c.
Honey	per 100 catties	0	9	0	0
Horns, Deer's, Young	,, pair	0	9	0	0
,, ,, Old	,, 100 catties	1	3	5	0
India Ink	,, ,,	4	0	0	0
Indigo, Dry	,, ,,	1	0	0	0
Ivory Ware	,, catty	0	1	5	0
Joss-sticks	,, 100 catties	0	2	0	0
Kittysols, or Paper Umbrellas	,, hundred	0	5	0	0
Lacquered Ware	,, 100 catties	1	0	0	0
Lamp-wicks	,, ,,	0	6	0	0
Lead, Red *(Minium)*	,, ,,	0	3	5	0
,, White *(Ceruse)*	,, ,,	0	3	5	0
,, Yellow *(Massicot)*	,, ,,	0	3	5	0
Leather Articles, as Pouches, Purses	,, ,,	1	5	0	0
,, Green	,, ,,	1	8	0	0
Lichees	,, ,,	0	2	0	0
Lily Flowers, Dried	,, ,,	0	2	7	0
,, Seeds or Lotus Nuts	,, ,,	0	5	0	0
Liquorice	,, ,,	0	1	3	5
Lung-ngan	,, ,,	0	2	5	0
,, without the Stone	,, ,,	0	3	5	0
Manure Cakes, or Poudrette	,, ,,	0	0	9	0
Marble Slabs	,, ,,	0	2	0	0
Mats of all kinds	,, hunderd	0	2	0	0
Matting	,, roll of 40yds.	0	2	0	0
Melon Seeds	,, 100 catties	0	1	0	0
Mother-o'Pearl Ware	,, catty	0	1	0	0
Mushrooms	,, 100 catties	1	5	0	0
Musk	,, catty	0	9	0	0
Nankeen and Native Cotton Cloths	,, 100 catties	1	5	0	0
Nutgalls	,, ,,	0	5	0	0
Oil, as Bean, Tea, Wood, Cotton and Hemp Seed	,, ,,	0	3	0	0
Oiled, Paper	,, ,,	0	4	5	0
Olive Seed	,, ,,	0	3	0	0
Oyster-shell, Sea-shells	,, ,,	0	0	9	0
Paint, Green	,, ,,	0	4	5	0
Palampore, or Cotton Bedquilts	,, hundred	2	7	5	0
Paper, 1st quality	,, ,,	0	7	0	0
,, 2nd ,,	,, ,,	0	4	0	0
Pearls, False	,, ,,	2	0	0	0
Peel, Orange	,, ,,	0	3	0	0
,, Pumelo, 1st quality	,, ,,	0	4	5	0
,, ,, 2nd ,,	,, ,,	0	1	5	0
Peppermint Leaf	,, ,,	0	1	0	0
,, Oil	,, ,,	3	5	0	0
Pictures and Paintings	each	0	1	0	0
,, on Pith or Rice Paper	per hunderd	0	1	0	0
Pottery, Earthenware	,, 100 catties	0	0	5	0
Preserves, Comfits, and Sweetmeats	,, ,,	0	5	0	0
Rattans, Split	,, ,,	0	2	5	0
Rattan Ware	,, ,,	0	3	0	0
Rhubarb	,, ,,	1	2	5	0
Rice or Paddy, Wheat, Millet, and other Grains	,, ,,	0	1	0	0
Rugs of Hair or Skin	each	0	0	9	0
Samshoo	per 100 catties	0	1	5	0
Sandalwood Ware	,, catty	0	1	0	0
Seaweed	,, 100 catties	0	1	5	0
Sesamum Seed	,, ,,	0	1	3	5
Shoes and Boots, Leather or Satin	,, 100 pairs	3	0	0	0
,, Straw	,, ,,	0	1	8	0
Silk, Raw and Thrown	,, 100 catties	10	0	0	0
,, Yellow, from Szechuen	,, ,,	7	0	0	0
,, Reeled from dupions	,, ,,	5	0	0	0
,, Wild Raw	,, ,,	2	5	0	0
,, Refuse	,, ,,	1	0	0	0
,, Cocoons	,, ,,	3	0	0	0
,, Floss, Canton	,, ,,	4	3	0	0
,, ,, from other Provinces	,, ,,	10	0	0	0

			T.	m.	c.	c.
Silk, Ribbons and Thread	per	100 catties	10	0	0	0
,, Piece Goods,—Pongees, Shawls, Scarfs, Crape, Satin, Gauze, Velvet, and Embroidered Goods	,,	,,	12	0	0	0
,, ,, ,, Szechuen and Shantung	,,	,,	4	5	0	0
,, Tassels	,,	,,	10	0	0	0
,, Caps	,,	hundred	0	9	0	0
,, and Cotton Mixtures	,,	100 catties	5	5	0	0
Silver and Gold Ware	,,	,,	10	0	0	0
Snuff	,,	,,	0	8	0	0
Soy	,,	,,	0	4	0	0
Straw Braid	,,	,,	0	7	6	0
Sugar, Brown	,,	,,	0	1	2	0
,, White	,,	,,	0	2	0	0
,, Candy	,,	,,	0	2	5	0
Tallow, Animal	,,	,,	0	2	0	0
,, Vegetable	,,	,,	0	3	0	0
Tea*	,,	,,	2	5	0	0
Tin Foil	,,	,,	1	2	5	0
Tobacco, Prepared	,,	,,	0	4	5	0
,, Leaf	,,	,,	0	1	5	0
Tortoise-shell Ware	,,	catty	0	2	0	0
Trunks, Leather	,,	100 catties	1	5	0	0
Turmeric	,,	,,	0	1	0	0
Twine, Hemp, Canton	,,	,,	0	1	5	0
,, ,, Soochow	,,	,,	0	5	0	0
Turnips, Salted	,,	,,	0	1	8	0
Varnish or Crude Lacquer	,,	,,	0	5	0	0
Vermicelli	,,	,,	0	1	8	0
Vermilion	,,	,,	2	5	0	0
Wax, White or Insect	,,	,,	1	5	0	0
Wood, Piles, Poles, and Joists	each		0	0	3	0
,, Ware	per	100 catties	1	1	5	0
Wool	,,	,,	0	3	5	0
* Tea Dust (by Agreement in 1868)—value under Tls. 10 per picul, if shipped coastwise	,,	,,	0	1	2	5

RULES.

Unenumerated Goods.

RULE I.—Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported, will pay the amount of duty set against them in the list of imports; and similarly, articles not enumerated in the list of imports, but enumerated in the list of exports, when imported, will pay the amount of duty set against them in the list of exports.

Articles not enumerated in either list, nor in the list of duty-free goods, will pay an *ad valorem* duty of 5 per cent, calculated on their market value.

Duty-free Goods.

RULE II.—Gold and silver bullion, foreign coins, flour, Indian meal, sago, biscuits, preserved meats and vegetables, cheese, butter, confectionery, foreign clothing jewellery, plated-ware, perfumery, soap of all kinds, charcoal, firewood, candles (foreign), tobacco (foreign), cigars (foreign), wine, beer, spirits, household stores, ships' stores, personal baggage, stationery, carpeting, druggeting, cutlery, foreign medicines, and glass and crystal ware.

Transit duty on Duty-free Goods.

The above pay no import or export duty, but, if transported into the interior will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of 2½ per cent. *ad valorem.*

Tonnage dues on Duty-free Goods.

A freight, or part freight of duty-free commodities (personal baggage, gold and silver bullion, and foreign coins, excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

Contraband of War and Salt.

RULE III.—Import and export trade is alike prohibited in the following articles:—Gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols, and all other munitions and implements of war; and salt.

Weights and Measures.

RULE IV.—In the calculation of the Tariff, the weight of a picul of one hundred catties is held to be equal to one hundred and thirty-three and one-third pounds, avoirdupois; and the length of a *chang* of ten Chinese feet, to be equal to one hundred and forty-one English inches.

One Chinese *chih* is held to be equal to fourteen and one-tenth inches English; and four yards English, less three inches, to equal one *chang*.

Relaxation of Rules affecting Opium, Grain, Spelter, etc.

RULE V.—The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter are relaxed, under the following conditions:—

Opium duty and carriage inland.

§ 1.—Opium will henceforth pay thirty taels per picul import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provisions of Article IX of the Treaty of Tientsin, by which British subjects are authorised to proceed into the interior with passports to trade, will not extend to it, nor will those of Article XXVIII of the same Treaty, by which the transit dues are regulated. The transit dues on it will be arranged as the Chinese Government see fit; nor, in, future revisions of the Tariff, is the same rule of revision to be applied to opium as to other goods.

Copper Cash.

§ 2.—The export of cash to any foreign port is prohibited; but it shall be lawful for British subjects to ship it at one of the open

ports of China to another, on compliance with the following Regulation :—The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the Customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon of the receipt of the cash at the port of destination by the collector at that port, who shall thereto affix his seal; or, failing the production of the certificate, to forfeit a sum equal in value to the cash shipped. Cash will pay no duty inwards or outwards; but a freight or part freight of cash, though no other cargo be on board, will render the vessel carrying it liable to pay tonnage dues.

Rice and Grain.

§ 3.—The export of rice and all other grain whatsoever, native or foreign, no matter where grown or whence imported, to any foreign port, is prohibited; but these commodities may be carried by British merchants from one of the open ports of China to another, under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the Tariff.

No import duty will be leviable on rice or grain; but a freight or part freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

Pulse *(abrogated.)*

§ 4.*—The export of pulse and beancake from Tung-chau and Newchwang, under the British flag, is prohibited. From any other of the ports they may be shipped, on payment of the tariff duty, either to other ports of China, or to foreign countries.

Saltpetre, Sulphur, Brimstone and Spelter.

§ 5.—Saltpetre, sulphur, brimstone, and spelter being munitions of war, shall not be imported by British subjects, save at the requisition of the Chinese Government, or for sale to Chinese duly authorised to purchase them. No permit to land them will be issued until the Customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for British subjects to carry these commodities up the Yang-tsze-kiang, or into any port other than those open on the seaboard, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and except at the ports, they will be regarded as Chinese property.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, saltpetre, brimstone, sulphur, and spelter may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

Report to Consul—Payment of Dues—Time limit defined.

RULE VI.—To the prevention of misunderstanding, it is agreed that the term of twenty-four hours, within which British vessels must be reported to the Consul under Article XXXVII of the Treaty of Tientsin, shall be understood to commence from the time a British vessel comes within the limits of the port; as also the term of forty-eight hours allowed her by Article XXX of the same Treaty to remain in port without payment of tonnage dues.

Limits of Ports.

The limits of the ports shall be defined by the Customs, with all consideration for the convenience of trade, compatible with due protection of the revenue: also the limits of the anchorages within which lading and discharging is permitted by the Customs; and the same shall be notified to the Consuls for public information.

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* This Article is abrogated by agreement with the Chinese Government, as notified by the British Minister, 24th March, 1862.

Transit Dues—meaning of Art. 28 of Treaty of Tientsin.

RULE VII.—It is agreed that Article XXVIII of the Treaty of Tientsin shall be interpreted to declare the amounts of transit dues legally leviable upon merchandise imported or exported by British subjects, to be one-half of the tariff duties, except in the case of the duty-free goods liable to a transit duty of 2½ per cent. *ad valorem*, as provided in Article II of these Rules. Merchandise shall be cleared of its transit dues under the following conditions:—

Certificates for Imports.

In the case of Imports:—Notice being given at the port of entry, from which the Imports are to be forwarded inland, of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the Collector of Customs will on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station and *viséd*. No further duty will be leviable upon imports so certificated, no matter how distant the place of their destination.

Certificates for Exports.

In the case of Exports:—Produce purchased by a British subject in the interior will be inspected, and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum showing the amount of the produce and the port at which it is to be shipped, will be deposited there by the person in charge of the produce; he will then receive a certificate, which must be exhibited and *viséd* at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port, notice must be given to the Customs at the port, and the transit dues due thereon being paid, it will be passed. On exportation the produce will pay the tariff duty.*

Any attempt to pass goods inwards or outwards, otherwise than in compliance with the rule here laid down, will render them liable to confiscation.

Unauthorised sale of exports *in transitu*.

Unauthorised sale, *in transitu*, of goods that have been entered as above for a port, will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination, named in the certificate, liable to confiscation. Permission to export produce, which cannot be proved to have paid its transit dues, will be refused by the Customs until the transit dues shall have been paid. The above being the arrangement agreed to regarding the transit dues, which will thus be levied once and for all, the notification required under Article XXVIII of the Treaty of Tientsin, for the information of British and Chinese subjects, is hereby dispensed with.

Peking not open to trade.

RULE VIII.—It is agreed that Article IX of the Treaty of Tientsin shall not be interpreted as authorising British subjects to enter the capital city of Peking, for purposes of trade.

Meltage Fee abolished.

RULE IX.—It is agreed that the percentage of one tael, two mace, hitherto charged in excess of duty payments to defray the expenses of melting by the Chinese Government, shall be no longer levied on British subjects.

Uniform system for collection of duties.

RULE X.—It being by Treaty at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on British trade, it is agreed that one uniform system shall be enforced at every port.

Customs' Administration.

The high officer appointed by the Chinese Government to superintend foreign trade, will accordingly, from time to time, either

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* For revised rules relating to Transit Certificates, see Agreement of Chefoo, III, Art. 4.

himself visit, or will send a deputy to visit, the different ports. The said high officer will be at liberty, of his own choice, and independently of the suggestion or nomination of any British authority, to select any British subject he may see fit to aid him in the administration of the Customs' revenue, in the prevention of smuggling, in the definition of port boundaries, or in discharging the duties of harbour-master; also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues. Harbour Master, Lights, Buoys, etc.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling upon the Yang-tsze-kiang when that river shall be opened to trade. Yang-tsze-kiang, smuggling on.

Done at Shanghai, in the province of Kiang-su, this eighth day of November, in the year of our Lord eighteen hundred and fifty-eight, being the third day of the tenth moon of the eighth year of the reign of Hien Fung. 8th Nov., 1858.

[L.S.] (Signed) ELGIN AND KINCARDINE.

Seal of Chinese Plenipotentiaries.	Signatures of Five Chinese Plenipotentiaries.

CONVENTION TO REGULATE THE ENGAGEMENT OF CHINESE EMIGRANTS BY BRITISH AND FRENCH SUBJECTS.

Signed at Peking in English, French, and Chinese, 5th March, 1866.
Ratification refused by British and French Governments.

The Government of His Majesty the Emperor of China having requested that, in accordance with the terms of Conventions signed at Peking the 24th and 25th of October, 1860, a set of Regulations should be framed to secure to Chinese Emigrants those safe-guards which are required for their moral and physical well-being; the following, after due discussion and deliberation at the Yamên of Foreign Affairs, have been adopted by the undersigned, and will henceforth be in force

REGULATIONS.

ART. I.—Any person desiring to open an Emigration Agency in any Port in China, must make an application in writing to that effect to his Consul, enclosing at the same time copy of the Rules which he proposes to observe in his Establishment, copy of the Contract which he offers to Emigrants, together with the necessary proofs that he has complied with all the conditions imposed by the laws of his country regulating Emigration.

ART. II.—The Consul, after having assured himself of the solvency and respectability of the applicant, and having examined and approved the copies of the Rules and Contracts, shall communicate them to the Chinese authorities, and shall request them to issue the Licence necessary for opening an Emigration Agency.

The Licence, together with the Rules and Contracts as approved by the Chinese authorities, will be registered at the Consulate.

ART. III.—No Licence to open an Emigration Agency shall be withdrawn except upon sufficient grounds, and then only with the sanction of the Consul. In such a case the Emigration Agent shall have no claim to compensation for the closing of his establishment and the suspension of his operations.

ART. IV.—No modification of the Rules and Contracts when once approved by the Consul and by the Chinese authorities shall be made without their express consent; and, in order that no Emigrant may be ignorant of them, the said Rules and Contracts shall in all cases be posted up on the door of the Emigration Agency and in the quarters of the Emigrants.

The Emigration Agent shall be allowed to circulate and make generally known in the towns and villages of the province copies of these Rules and Contracts, which must in all cases bear the Seals of the Chinese authorities and of the Consulate.

ART. V.—Every Emigration Agent shall be held responsible under the laws of his country for the due execution of the clauses of the contract signed by him until its expiration.

ART. VI.—Every Chinese employed by the Emigration Agent to find him Emigrants shall be provided with a special Licence from the Chinese authorities, and he alone will be responsible for any act done by him in the above capacity that may be, whether intentionally or unintentionally, in contravention of the laws of the Empire.

ART. VII.—Every Chinese wishing to emigrate under an engagement shall cause his name to be entered in a Register kept for that purpose, in the presence of the Emigration Agent and of an Inspector deputed by the Chinese Government. He will then be at liberty to return to his home or to remain in the Emigration Depôt to wait the departure of the ship which is to carry him to his destination.

ART. VIII.—The Contracts shall specify:—

1st.—The place of destination and the length of the engagement.

2nd.—The right of the Emigrant to be conveyed back to his own country, and the sum which shall be paid at the expiration of his contract to cover the expense of his voyage home and that of his family, should they accompany him.

3rd.—The number of working days in the year and the length of each day's work.

4th.—The wages, rations, clothing and other advantages promised to the Emigrant.

5th.—Gratuitous medical attendance.

6th.—The sum which the Emigrant agrees to set aside out of his monthly wages for the benefit of persons to be named by him, should he desire to appropriate any sum to such a purpose.

7th.—Copy of the 8th, 9th, 10th, 14th and 22nd Articles of these Regulations.

Any clause which shall purport to render invalid any of the provisions of this Regulation is null and void.

ART. IX.—The term of each Emigrant's engagement shall not exceed five years, at the expiration of which the sum stipulated in the contract shall be paid for him to cover the expense of his return to his country. In the event of his obtaining permission to remain without an engagement in the colony, this sum will be placed in his own hands.

It shall always be at the option of the Emigrant to enter into a second engagement of five years, for which he shall be paid a premium equivalent to one-half the cost of his return to China. In such a case the sum destined to cover the expense of his return home shall not be paid until the expiration of his second engagement.

Every Emigrant who may become invalided and incapable of working shall be allowed, without waiting for the expiration of his contract, to claim before the legal Courts of the colony or territory where he may be, payment on his behalf of the sum destined to cover the expense of his return to China.

ART. X.—The Emigrant shall in no case be forced to work more than six days out of seven, nor more than nine hours and a half in the day.

The Emigrant shall be free to arrange with his employer the conditions of work by the piece or job, and of all extra labour undertaken during days and hours set apart for rest.

The obligation on holidays to attend to cattle or to do such service as the necessities of daily life may demand, shall not be considered as labour.

ART. XI.—No engagement to emigrate entered into by any Chinese subject under twenty years of age will be valid unless he produce a

Certificate from the proper Chinese authorities stating that he has been authorised to contract such engagement by his parents, or, in default of his parents, by the Magistrate of the port at which he is to embark.

ART. XII.—After four days, but not less, from the date of the entry of the Emigrant's name on the Register of the Agency, the Officer deputed by the Chinese Government being present, the Contract shall be read to the Emigrant, and he shall be asked whether he agrees to it, and having answered in the affirmative he shall then and there append his signature thereto.

ART. XIII.—The Contract once signed, the Emigrant is at the disposal of the Agent, and must not absent himself from the Depôt without the permission of the Agent.

Before embarking, every Emigrant shall be called before the Officer deputed by the Chinese authorities to ratify his Contract, which shall be registered at the Consulate.

Twenty-four hours before the sailing of the ship, the Emigrants shall be mustered on board before the Consul and the Inspector of Customs, or their deputies, and the list shall be finally closed for signature and registration by the Consul and the Inspector.

Any individual refusing to proceed after his muster shall be bound to repay the expenses of his maintenance in the Emigration Depôt at the rate of one hundred cash (one tenth of a tael) per diem. In default of payment he shall be handed over to the Chinese Magistrate to be punished according to the laws.

ART. XIV.—Any sum handed over to the Emigrant before his departure shall only be regarded in the light of a premium upon his engagement. All advances upon his future wages are formally forbidden, except in the case of their being appropriated to the use of his family, and the Consul will take special pains to provide against their being employed in any other way. Such advances shall not exceed six months' wages, and shall be covered by a stoppage of one dollar per month until the entire debt shall have been paid.

It is absolutely forbidden, whether on the voyage or during the Emigrant's stay in the Colony or territory in which he may be employed, to make any advances to him in money or kind payable after the expiration of his engagement. Any agreement of this nature shall be null and void, and shall give the creditor no power to oppose the return of the Emigrant to his country at the time fixed by the Contract.

ART. XV.—The Emigrant during his stay in the Depôt shall be bound to conform to the Regulations adopted for its internal economy by the Consul and the Chinese authorities.

ART. XVI.—Any Emigrant who may be riotous or guilty of any misconduct shall be immediately locked up until the arrival of the Officers deputed by the Chinese authorities, to whom he will be handed over to be punished in conformity with the laws of the Empire; the Officers of the Agency being in no case authorised to take the law into their own hands and inflict any punishment.

ART. XVII.—The Deputies of the Consul and of the Chinese authorities shall at all times be empowered to demand admittance to the Agency, and to summon the Emigrants before them for purpose of interrogation.

They will be present at the signing of the Contracts and at the embarkation of the Coolies.

They will see to the maintenance of order, to the healthiness and cleanliness of the rooms destined to receive the Emigrants, to the separation of families and women, and to the arrangements on board the transport ships.

They may at any time demand that Experts or Medical Officers shall be called in, in order to verify any defects which they may have remarked; they may suspend the embarkation of Emigrants in ships the arrangements on board of which may seem to them defective, and they may reject Coolies afflicted with contagious diseases.

ART. XVIII.—The Emigration Agent shall be bound to pay into the Customs' Bank the sum of Three Dollars for every male adult entered on the list of Coolies embarked, to meet the expenses of inspection.

ART. XIX.—Any Emigrant claimed by the Chinese Government as an offender against the law shall be handed over to the authorities without opposition from the Consul; and in such case the whole sum expended for the maintenance of the Emigrant in the Agency or on board ship shall be repaid immediately to the Emigration Agent, at the rate of one hundred cash (one tenth of a tael) per diem.

The sum of the premium, advances, clothes, etc., entered in the Agency Register against such Emigrant, shall in like manner be repaid by the Chinese Government.

ART. XX.—The Emigration Agent shall not be at liberty to embark Emigrants on board any ship which shall not have satisfied the Consul that, in respect of its internal economy, stores and sanitary arrangements, all the conditions required by the laws of the country to which the said ship may belong are fulfilled.

Should the Chinese authorities upon the reports of the Officers deputed by them, conceive it their duty to protest against the embarkation of a body of Emigrants in a ship approved by the Consul, it shall be in the power of the Customs to suspend the granting of the Ship's Port Clearance until further information shall have been obtained, and until the final decision of the Legation of the country to which the suspected ship belongs shall have been pronounced.

ART. XXI.—On the arrival of the ship at her destination the duplicate of the list of Emigrants shall be presented by the Captain to be *viséd* by his Consul and by the local authorities.

In the margin and opposite to the name of each Emigrant, note shall be made of death, births, and diseases during the voyage, and of the destination assigned to each Emigrant in the Colony or territory in which he is to be employed.

This document shall be sent by the Emigration Agent to the Consul at the port at which the Emigrants embarked, and by him delivered to the Chinese authorities.

ART. XXII.—In the distribution of the Emigrants as labourers, the husband shall not be separated from his wife, nor shall parents be separated from their children being under fifteen years of age.

No labourer shall be bound to change his employer without his consent, except in the event of the factory or plantation upon which he is employed changing hands.

His Imperial Highness the Prince of Kung has further declared in the name of the Government of His Majesty the Emperor of China:—

1st.—That the Chinese Government throws no obstacle in the way of free emigration, that is to say, to the departure of Chinese subjects embarking of their own free will and at their own expense for foreign countries, but that all attempts to bring Chinese under an engagement to emigrate, otherwise than as the present Regulations provide, are formally forbidden and will be prosecuted with the extreme rigour of the law.

2nd.—That a law of the Empire punishes by death those who, by fraud or by force, may kidnap Chinese subjects for the purpose of sending them abroad against their will.

3rd.—That whereas the operations of Emigration Agents with a view to the supply of coolie labour abroad, are authorised at all the open ports, when concluded in conformity with their Regulations and under the joint supervision of the Consuls and the Chinese authorities, it follows that where this joint supervision cannot be exercised, such operations are formally forbidden.

These declarations are here placed on record, in order that they may have the same force and validity as the Regulations contained in the twenty-two Articles foregoing.

Done and signed at Peking in triplicate, the 5th of March, 1866.

[L.S.]	(Signed)	RUTHERFORD ALCOCK.
[L.S.]	(Signed)	PRINCE OF KUNG.
[L.S.]	(Signed)	HENRY DE BELLONNET.

SUPPLEMENTARY CONVENTION TO THE TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND CHINA.

Signed, in the English and Chinese Languages, at Peking, 24th October, 1869.

Ratification refused by British Government.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, desiring to secure the better execution of the Treaty of Commerce concluded between them on the 26th of June, 1858, have resolved, in accordance with the provision made in the twenty-seventh Article, to the effect that either of the high contracting parties may demand a farther revision of the Tariff and of the Commercial Articles of that Treaty at the end of ten years, to negotiate a complementary arrangement; and they have for that purpose named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir R. Alcock, K.C.B.

Sir Rutherford Alcock, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China;

And His Majesty the Emperor of China:

His Imperial Highness the Prince of Kung; Wên-hsiang, President of the Board of Civil Office; Pao Chün, President of the Board of Revenue; Tung Hsün, President of the Board of Revenue; Tan Ting-hsiang, President of the Board of Punishment; Ch'ung Lun, President of the Colonial Office; Prince of Kung and Ministers of the Tsung-li Yamên.

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Article:—

ART. I.—China having agreed that British subjects shall participate in all advantages accorded by treaty to the subjects of other powers, it is further agreed that British subjects desirous to participate in the advantages accorded by Treaty to the subjects of other powers, shall participate in such advantages on the same conditions on which they have been accorded to, and are participated in by the subjects of other powers. British subjects to participate in advantages accorded by Treaty to subjects of other Powers, on like conditions.

ART. II.—China having agreed that England may appoint Consuls to reside at every port open to trade, it is further agreed that China may appoint Consuls to reside at all ports in the British dominions. The Consuls so appointed shall respectively be entitled to the treatment accorded to the most favoured nation. China may appoint Consuls to all ports in the British dominions.

ART. III.—It is agreed that Articles of the following classes and denominations, namely, Cottons, Linens, Woollens and Cotton Mixtures, etc., imported by British merchants, shall pay both import duty and transit due simultaneously at the time of importation; on the other part China agrees that the above-mentioned commodities imported by the British merchants, and having paid import duty and transit due simultaneously at the time of importation, shall be exempt from all other taxes and charges whatsoever, in Treaty port provinces. Cottons, Linens, etc., shall pay Import Duties and Transit Dues simultaneously at importation, and be exempt from all other taxes in Treaty port provinces.

Inland charges on Native produce *en route* to Port in excess of Transit Due to be refunded if produce exported abroad within 12 months.

ART. IV.—It is agreed that native produce purchased in the interior by British merchants, furnished with the documents prescribed by the Supplementary Regulations, shall pay all inland dues and charges on its way to the Treaty port; on the other part, China agrees that any such native produce, having paid all inland dues and charges on the way to the port from the place of purchase, shall be entitled to the return of any amount that may have been thus paid over and above the Treaty transit due (half export duty) provided the exportation by British merchants to foreign ports takes place within twelve months. It is farther agreed that native produce shipped to another Treaty port shall not be entitled to such refund.

Transit Rule privileges denied to Native produce imported from Hongkong. Native produce shipped thence; treatment of.

ART. V.—It is agreed that Chinese produce, shipped from Hongkong to a Treaty port, shall not be carried inland under the Transit Rule, but shall pay dues, duty and inland charges like all other native produce at all barriers passed; on the other part China agrees to issue to native produce shipped by British merchants from Treaty ports to Hongkong, the ordinary duty proofs, and to collect on such produce on arrival at a second Treaty port, the ordinary coast trade (half import) duty.

Wênchow opened, and Kiungchow removed from the list of Treaty ports.

ART. VI.—It is agreed that the port of Wênchow in Chekiang shall be opened to British trade, and that Kiungchow, named in the Treaty of Tientsin, shall be removed from the list of Treaty ports.

ART. VII.—It is agreed that British merchant vessels shall not be called on to pay tonnage dues oftener than once in four months; on the other part England agrees that British merchant vessels of every description whether used for the transport or storage of merchandise, conveyance of passengers, or residences (merchant ships, hulks, chops, etc.), as well as all craft of the Chinese type, owned by British subjects, shall pay tonnage dues according to their tonnage, if trading from port to port, on the expiration of their special certificates; and, if used as hulks in port, on the expiration of the term of four months, as the case may be.

Payment of Tonnage Dues.

British Merchant vessels shall report destination to the Customs and hand in Export manifest on clearing. False manifest—penalty.

ART. VIII.—It is agreed that all British merchant vessels shall report to the Customs their port of destination, and shall hand in Export manifests when about to clear; on the other part China agrees that the amount of any Fine for false manifest where British subjects are concerned, shall be determined in accordance with the special circumstances, and shall not in any case exceed the sum of Five Hundred Taels.

Mode of investigation in cases of fines and confiscation for breach of Customs' regulations.

ART. IX.—It is agreed that in all cases of Fines arising out of breaches of Customs' regulations, the Superintendent or the Commissioner of Customs may have a seat on the bench, and take part with the British Consul in enquiring into the case; and that in all cases of confiscation arising out of breaches of Customs' regulations, the British Consul may have a seat on the bench with the Superintendent or Commissioner of Customs, and take part in enquiring into the case. It is farther agreed that England and China shall in consultation draw up a Commercial Code.

Commercial Code to be drawn up.

Licences to Pilots. Piloting, or employing persons to pilot without licence, punishment. Regulations for crews to be drawn up by Consuls.

ART. X.—On the one part China agrees to issue licences to Pilots; on the other part England agrees to punish British subjects piloting, or who employ persons to pilot, not having licences. It is further agreed that effect shall be given to the stipulation of the Treaty of Tientsin "that for the due restraint of the crews of ships, regulations will be drawn up by the Consuls and local authorities."

Drawbacks on goods re-exported within three

ART. XI.—It is agreed that drawbacks issued to foreign goods re-exported by British merchants to foreign countries within three

months from the date of importation, shall be convertible (at the Hai-kwan Bank) into cash; on the other part England agrees that foreign goods re-exported by British merchants to foreign countries after the expiration of three years from the date of importation shall not be entitled to drawback of import duty.

months from importation convertible into cash; goods re-exported after 3 years not entitled to drawback of import duty.

ART. XII.—It is agreed that Opium shall pay import duty at an increased rate; on the other part China agrees—

Opium shall pay increased import duty. Increased facilities for trade.

(1°) That British subjects holding Passports may use their own vessels, resembling Chinese craft, and propelled by oars or sails, when visiting non-treaty ports, or places in the interior.

Bonded warehouses, etc.

(2°) That Bonded Warehouses shall be established for British subjects at such Treaty ports as may be expedient.

(3°) That the Superintendent of Customs at Kiukiang shall provide a Tug for the use of British-owned Chinese-like boats on the Poyang, and in the vicinity of Hukow.

(4°) That Bonds entered into by British merchants for the re-export of Teas, shipped from the Yangtze ports, shall, as an experiment, be done away with.

(5°) That the Imperial Commissioner in the South shall open Coal mines in two or three places; and

(6°) That the duty on native coal exported by British merchants from the Southern ports shall be reduced.

ART. XIII.—It is agreed that Silk shall pay export duty at an increased rate; on the other part China agrees—

Silk shall pay increased export duty. Wuhu opened. Free import of dock stores for repairs of vessels. Reduction in duties, etc.

(1°) That Wuhu in Anhui shall be opened to British trade.

(2°) That foreign grain may be re-exported, and without payment of duty, by British merchants.

(3°) That materials used by British subjects in docks, for the repairs of British vessels, shall be exempt from duty.

(4°) That the list of duty free goods for British household use, and ship's stores, shall be revised.

(5°) That foreign Coal, and Guano, imported by British merchants, shall be exempt from duty.

(6°) That Import Duties shall be reduced on Watches, Tin Plates, Pepper (black and white), and Timber, imported by British subjects.

ART. XIV.—It is agreed that each Custom House shall draw up rules fixing the touch of Sycee to be received in payment of duties by the Bank at each port. It is farther agreed that the various documents issued to British subjects (Transit Papers, Passports, etc.), shall be returnable at the expiration of one year from the date of issue.

Touch of Sycee for payment of duties at each port to be fixed. Transit Papers, etc., returnable at expiration of one year.

ART. XV.—It is agreed on both parts that the Articles untouched by the present Revision shall be hereby declared to be renewed and confirmed, and that the revised version shall rule in the case of such Articles as the present version affects.

Articles untouched by present Revision confirmed.

ART. XVI.—The present Convention shall be ratified, and the ratifications shall be exchanged at Peking as soon as possible.

Exchange of ratification at Peking.

In witness whereof the respective Plenipotentiaries have signed the present Convention, the Supplementary Regulations appended, and the Tariff affecting goods in respect of which duties have been hereby changed, and have affixed hereto their seals.

Done at Peking in quadruplicate, this twenty-third day of October, 1869.

23rd Oct., 1869.

[L.S.] (Signed) RUTHERFORD ALCOCK.

[L.S.] (Signed) CHINESE PLENIPOTENTIARIES.

Inland charges on Native produce *en route* to Port in excess of Transit Due to be refunded if produce exported abroad within 12 months.

ART. IV.—It is agreed that native produce purchased in the interior by British merchants, furnished with the documents prescribed by the Supplementary Regulations, shall pay all inland dues and charges on its way to the Treaty port; on the other part, China agrees that any such native produce, having paid all inland dues and charges on the way to the port from the place of purchase, shall be entitled to the return of any amount that may have been thus paid over and above the Treaty transit due (half export duty) provided the exportation by British merchants to foreign ports takes place within twelve months. It is farther agreed that native produce shipped to another Treaty port shall not be entitled to such refund.

Transit Rule privileges denied to Native produce imported from Hongkong. Native produce shipped thence; treatment of.

ART. V.—It is agreed that Chinese produce, shipped from Hongkong to a Treaty port, shall not be carried inland under the Transit Rule, but shall pay dues, duty and inland charges like all other native produce at all barriers passed; on the other part China agrees to issue to native produce shipped by British merchants from Treaty ports to Hongkong, the ordinary duty proofs, and to collect on such produce on arrival at a second Treaty port, the ordinary coast trade (half import) duty.

Wênchow opened, and Kiungchow removed from the list of Treaty ports.

ART. VI.—It is agreed that the port of Wênchow in Chekiang shall be opened to British trade, and that Kiungchow, named in the Treaty of Tientsin, shall be removed from the list of Treaty ports.

ART. VII.—It is agreed that British merchant vessels shall not be called on to pay tonnage dues oftener than once in four months; on the other part England agrees that British merchant vessels of every description whether used for the transport or storage of merchandise, conveyance of passengers, or residences (merchant ships, hulks, chops, etc.), as well as all craft of the Chinese type, owned by British subjects, shall pay tonnage dues according to their tonnage, if trading from port to port, on the expiration of their special certificates; and, if used as hulks in port, on the expiration of the term of four months, as the case may be.

Payment of Tonnage Dues.

British Merchant vessels shall report destination to the Customs and hand in Export manifest on clearing. False manifest—penalty.

ART. VIII.—It is agreed that all British merchant vessels shall report to the Customs their port of destination, and shall hand in Export manifests when about to clear; on the other part China agrees that the amount of any Fine for false manifest where British subjects are concerned, shall be determined in accordance with the special circumstances, and shall not in any case exceed the sum of Five Hundred Taels.

Mode of investigation in cases of fines and confiscation for breach of Customs' regulations.

ART. IX.—It is agreed that in all cases of Fines arising out of breaches of Customs' regulations, the Superintendent or the Commissioner of Customs may have a seat on the bench, and take part with the British Consul in enquiring into the case; and that in all cases of confiscation arising out of breaches of Customs' regulations, the British Consul may have a seat on the bench with the Superintendent or Commissioner of Customs, and take part in enquiring into the case. It is farther agreed that England and China shall in consultation draw up a Commercial Code.

Commercial Code to be drawn up.

Licences to Pilots. Piloting, or employing persons to pilot without licence, punishment. Regulations for crews to be drawn up by Consuls.

ART. X.—On the one part China agrees to issue licences to Pilots; on the other part England agrees to punish British subjects piloting, or who employ persons to pilot, not having licences. It is further agreed that effect shall be given to the stipulation of the Treaty of Tientsin "that for the due restraint of the crews of ships, regulations will be drawn up by the Consuls and local authorities."

Drawbacks on goods re-exported within three

ART. XI.—It is agreed that drawbacks issued to foreign goods re-exported by British me[illegible]reign countries within three

months from the date of importation, shall be convertible (at the Hai-kwan Bank) into cash; on the other part England agrees that foreign goods re-exported by British merchants to foreign countries after the expiration of three years from the date of importation shall not be entitled to drawback of import duty.

months from importation convertible into cash; goods re-exported after 3 years not entitled to drawback of import duty.

ART. XII.—It is agreed that Opium shall pay import duty at an increased rate; on the other part China agrees—

Opium shall pay increased import duty. Increased facilities for trade.

(1°) That British subjects holding Passports may use their own vessels, resembling Chinese craft, and propelled by oars or sails, when visiting non-treaty ports, or places in the interior.

Bonded warehouses, etc.

(2°) That Bonded Warehouses shall be established for British subjects at such Treaty ports as may be expedient.

(3°) That the Superintendent of Customs at Kiukiang shall provide a Tug for the use of British-owned Chinese-like boats on the Poyang, and in the vicinity of Hukow.

(4°) That Bonds entered into by British merchants for the re-export of Teas, shipped from the Yangtze ports, shall, as an experiment, be done away with.

(5°) That the Imperial Commissioner in the South shall open Coal mines in two or three places; and

(6°) That the duty on native coal exported by British merchants from the Southern ports shall be reduced.

ART. XIII.—It is agreed that Silk shall pay export duty at an increased rate; on the other part China agrees—

Silk shall pay increased export duty. Wuhu opened. Free import of dock stores for repairs of vessels. Reduction in duties, etc.

(1°) That Wuhu in Anhui shall be opened to British trade.

(2°) That foreign grain may be re-exported, and without payment of duty, by British merchants.

(3°) That materials used by British subjects in docks, for the repairs of British vessels, shall be exempt from duty.

(4°) That the list of duty free goods for British household use, and ship's stores, shall be revised.

(5°) That foreign Coal, and Guano, imported by British merchants, shall be exempt from duty.

(6°) That Import Duties shall be reduced on Watches, Tin Plates, Pepper (black and white), and Timber, imported by British subjects.

ART. XIV.—It is agreed that each Custom House shall draw up rules fixing the touch of Sycee to be received in payment of duties by the Bank at each port. It is farther agreed that the various documents issued to British subjects (Transit Papers, Passports, etc.), shall be returnable at the expiration of one year from the date of issue.

Touch of Sycee for payment of duties at each port to be fixed. Transit Papers, etc., returnable at expiration of one year.

ART. XV.—It is agreed on both parts that the Articles untouched by the present Revision shall be hereby declared to be renewed and confirmed, and that the revised version shall rule in the case of such Articles as the present version affects.

Articles untouched by present Revision confirmed.

ART. XVI.—The present Convention shall be ratified, and the ratifications shall be exchanged at Peking as soon as possible.

Exchange of ratification at Peking.

In witness whereof the respective Plenipotentiaries have signed the present Convention, the Supplementary Regulations appended, and the Tariff affecting goods in respect of which duties have been hereby changed, and have affixed hereto their seals.

Done at Peking in quadruplicate, this twenty-third day of October, 1869.

23rd Oct., 1869.

[L.S.] (Signed) RUTHERFORD ALCOCK.

[L.S.] (Signed) CHINESE PLENIPOTENTIARIES.

SUPPLEMENTARY RULES AND TARIFF.

Whereas it is expedient that Supplementary Regulations should be drawn up for the better explanation of the Articles of this Convention, the respective Plenipotentiaries do hereby agree that the appended Tariff and Rules, the latter being in ten Articles hereinunder following, shall be equally binding on the Governments and subjects of both countries with the Convention itself. In witness whereof they hereto affix their seals and signatures.

Specified foreign commodities not liable to inland dues in Treaty port provinces.

RULE I.—(1°) The Convention permits certain specified commodities of foreign origin, viz., Cottons, Linens, Woollens, Woollen and Cotton Mixtures, etc., to circulate freely in Treaty port provinces, without farther liability to inland dues or charges on payment simultaneously of import duty and transit due at the time of importation. When taken inland by British merchants in person or by Chinese, the agents of British merchants, or by Chinese purchasers, while the British merchant will be required, as prescribed by the Treaty of Tientsin, to travel provided with the usual passport, the commodities aforesaid need not be accompanied by any transit certificate, and may be sold freely and at pleasure along the road, without being in any place called on to pay farther dues, duties or inland charges. The various Customs' stations passed by such commodities will, however, make such examination as is usual, in order to provide against fraudulent substitutions and the transport of prohibited articles.

Other foreign merchandise provided with transit certificate exempt from all inland dues.

(2°) With the exception of those classes of commodities which are to pay import duty and transit dues simultaneously, all other foreign merchandise carried inland will continue to be exempt from all dues, duties and charges *en route*, provided, having paid full import duty on importation and the tariff transit due when leaving the port to enter the interior, it is found to be accompanied by the ordinary proof of payment of transit dues, namely, a transit certificate. Such goods will be liable to all dues, duties and charges, wherever found inland if unaccompanied by transit certificates. Both British and Chinese merchants will be treated in accordance with the provisions herein set forth.

Foreign merchandise carried inland accompanied by such specified foreign commodities, if unprovided with transit certificate, liable to inland dues. Penalty for not reporting uncertified merchandise.

(3°) When the commodities specified in the first clause of this Rule are carried inland in treaty port provinces by either British or Chinese merchants, and when such commodities are accompanied by other foreign merchandise of the class provided for in the second clause of this Rule, the latter merchandise will be liable to all inland dues, duties and charges, if not provided with transit certificates. Failure to report the presence of any such uncertificated merchandise when passing Customs' stations, or any attempt to defraud the revenue by carrying native produce in that guise, will subject all the goods of the same description to seizure and confiscation.

Transit certificates. Confiscation if merchandise is different from what is set forth in certificate.

(4°) When commodities of the kind specified in the first clause of this Rule, and which simultaneously paid import duty and transit dues, are to be conveyed by either British or Chinese merchants to non-Treaty port provinces, transit certificates should be procured from the Customs at the port started from, on the face of which will be distinctly set forth the name of the place for which the said commodities are destined. On their way from the port to the place thus set forth in the certificate, such certificated commodities

will be exempt from all liability to inland charges, dues or duties; but in the event of its being discovered by any Customs' station that may make examination, that the merchandise contained in the packages is different from the commodity set forth in the certificate, or that the certificate is for a less quantity than it is accompanied by, the goods concerned will be confiscated. On the arrival of such duly certificated commodities at the place set forth in the certificate, the certificate will become invalid, and the commodities having arrived at their place of destination will be liable to whatever inland charges, dues or duties the locality they are found in collects, and will thenceforth be treated like native produce in the localities concerned.

Customs' memorandum when purchasing native produce in the interior. Sale of such produce *in transitu* punishable.

RULE II.—(1°) British merchants whether going in person or sending Chinese agents into the interior for the purchase of native produce should first obtain from the Customs a blank memorandum. The native produce purchased will be liable to all inland charges, dues and duties on the way to the port, just like any other Chinese goods in Chinese hands. On the other hand each Custom's station or barrier will be required to certify to the receipt of the amount of dues, duties or charges there collected, by making an official and duly sealed entry on the face of the blank memorandum. Any sale *in transitu* of the native produce to which the blank memoranda refer will be punishable in accordance with the regulations.

Examination of native produce. Payment of Export duty and Treaty Transit-due. Refund by Customs.

(2°) On the arrival of such native produce at the ast barrier, the merchant is to report its arrival to the Commissioner of Customs, and the goods are to await examination. The memorandum brought back from the interior is at the same time to be deposited with the Customs. Should such native produce be exported to a foreign port (Hongkong excepted) within 12 months from the date of arrival, the exporter will at the time of exportation pay the usual export duty, and as regards inland charges, while on the one hand the exporter will be called on to make up the amount by which the sums entered on the memorandum fall short of a Treaty transit due (half export duty), on the other, the Customs will refund to the exporter the amount by which such sums may be found to exceed the Treaty transit dues. Should the produce be shipped for conveyance to a Treaty port, no make up will be called for and no refund allowed.

Refund by drawback of import duty on foreign goods re-exported. Drawbacks for coast trade duty on native produce.

RULE III.—Foreign goods re-exported to a foreign country within 36 months from the date of arrival, if found to be in their original packages, with marks and numbers unchanged, will be entitled to receive the refund of the sum paid as import duty, by a drawback, which shall be a valid tender for payment of other duties (tonnage dues excepted). Goods re-exported after the expiration of the said 36 months shall not be entitled to receive such drawback. If re-exported within three months from the date of arrival, a drawback certificate will be issued at the Customs-house, which, on presentation at the Customs' Bank, will be convertible into cash. Goods re-exported after the expiration of the said term of three months, will not be entitled to receive such convertible drawbacks. As regards native produce, drawbacks for coast trade duty will continue to be issued when the produce is re-shipped within twelve months from the date of arrival. If re-shipped after the expiration of that term, native produce will not be entitled to any drawback of coast trade duty.

Return of passports, transit papers, etc.—invalid 12 months from issue

RULE IV.—British merchants will be allowed one month's grace for the return of such documents as they may have taken out when going inland (Passports, Transit passes, etc.). All such documents to become invalid on the expiration of 12 months from the date of issue,

and if not returned within 13 months from that date, the applications of the parties concerned for other documents will not be attended to.

Bonded Warehouses.

RULE V.—At such of the Treaty ports as may be expedient, Bonded Warehouses will be established, and regulations for their working will be drawn up by the Inspector-General of Customs and the Superintendent of the port concerned. Where sufficient reasons for the non-establishment of such Bonded Warehouses exist, they will not be introduced.

Steam-tug for British-owned vessels on the Poyang.

RULE VI.—The Superintendent of Customs at Kiukiang will provide a steam-tug for the use of British merchants on the Poyang Lake, and between Hankow and Kiukiang. The tug in question will be for the towing of British-owned vessels of the Chinese type, and a tariff of fees will be published, in accordance with which, merchants whose boats may be towed, will pay the Kiukiang Customs for that service.

British merchants may use their own vessels, rent houses, etc., in the interior, and shall be unmolested.

RULE VII.—British merchants who may go inland duly provided with passports, to sell foreign goods, purchase native produce, or carry native produce into the interior for sale, are permitted to use their own vessels, if of the Chinese type and propelled by sails or oars, and when in the interior, are further permitted to rent for a short period either hotels or private houses where they may store their goods, but on which they are not to exhibit their hong name or the style of their firm. Native produce purchased in the interior and entered on the memorandum for conveyance to the port, must not be sold in the interior. In the case of the inns or private houses thus rented from Chinese, the British merchant is not to interfere to protect the landlord from the incidence of the taxes and charges for which his house or property is assessable. The Chinese of the locality must not annoy or maltreat the British merchant, and proclamations setting forth all that precede have been prepared and will be sent to the Governors-General and Governors of the provinces, for publication everywhere.

Registration of British-owned vessels of Chinese type. Such vessels shall comply with Customs' regulations.

As regards vessels of the Chinese type, owned by British merchants and used by them to go to non-treaty ports, or places in the interior, each such vessel must be registered at the Custom House, where the Commissioner of Customs will issue a certificate of registration, and the flag to be sailed under, the certificate to be countersealed by the Superintendent. Such vessels must exhibit the flag received from the Customs, and comply with the special rules and regulations drawn up for their management. Any vessel unprovided with a certificate of registration, detected in the fraudulent use of a flag resembling the Customs' flag, or flying the house-flag of any foreign mercantile firm, or having a certificate and flying the flag of any foreign country, will be subject, with her cargo, to confiscation.

Working of Coal mines.

RULE VIII.—The Imperial Commissioner superintending foreign affairs in the South will enquire into the condition of Kiuyung, Lop'ing and Kelung, and will depute officers to work the mines at these places as an experiment; the question of the employment of foreigners to assist in mining and of using foreign machinery will be left to be given effect to by the Imperial Commissioner. The coal produced will be for sale to British and Chinese merchants without distinction.

Articles for household use and ships' stores free from duty if not carried inland.

RULE IX.—The Rules appended to the Tariff attached to the Treaty of Tientsin enumerated the articles that are to be admitted free of duty for household use and as ship's stores. A revised list is to be drawn up by the Inspector-General of Customs and will be hereto

appended, of the articles that are thus to be admitted free, for the use of British subjects. Should such articles be carried inland they will be dutiable in accordance with the rule and practice that formerly obtained.

Articles for repair of ships free of duty. Docks must be registered at Customs.

RULE X.—Docks owned by British merchats will be permitted to import such articles as they require for the repairs of ships, free of duty; but on newly-built vessels there will be levied a duty of 5% *ad valorem*. Before being entitled to the privilege of importing their stores duty free, such docks must be registered at the Customs and the owners must enter into such bonds as the Customs in question may consider sufficient for the protection of the revenue. A list of the articles to be imported, duty free, will be prepared by the Inspector-General of Customs and appended hereto.

TARIFF.

Tariff

IMPORT.

	T.m.c.
Watches, émaillées à perles .....per pair	4.5.0
Watches, Gold .....per pair	1.1.0
Watches, Silver .....per pair	0.5.0
Pepper, White .....per picul	0.4.0
Pepper, Black .....per picul	0.2 0
Tin Plates .....per picul	0.2.0
Foreign Grain, Guano, Coal—free, whether imported or exported, but to take out permits in accordance with the Custom House Regulations.	
Timber—a reduction to be made after full enquiry at Shanghai.	
Opium—per 100 catties, Tls. 50; and to be dealt with in accordance with the special rules respecting that drug.	

EXPORT.

	T.m.c.c.
Silk—Raw and Thrown, per 100 catties ...	20.0.0.0
Silk—Yellow, from Szechuen, per 100 catties	10.0.0.0
Coal, Native—at the Southern Ports, per 100 catties	0.0.0.5
Coal, Native—at the Northern Ports, per 100 catties	0.0 4.0

AGREEMENT BETWEEN THE MINISTERS PLENIPOTENTIARY OF THE GOVERNMENTS OF GREAT BRITAIN AND CHINA.

Signed, in the English and Chinese Languages, at Chefoo, 13th September 1876.

Ratified by the Emperor of China, 17th September, 1876

Sir Thomas Wade, K.C.B
Li Hung-chang.

Agreement negotiated between Sir Thomas Wade, K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of China, and Li, Minister Plenipotentiary of His Majesty the Emperor of China, Senior Grand Secretary, Governor-General of the Province of Chihli, of the First-Class of the Third Order of Nobility.

Preamble.

The negotiation between the Ministers above-named has its origin in a despatch received by Sir Thomas Wade, in the spring of the present year, from the Earl of Derby, Principal Secretary of State for Foreign Affairs, dated 1st January, 1876. This contained instructions regarding the disposal of three questions; first, a satisfactory settlement of the Yünnan affair; secondly, a faithful fulfilment of engagements of last year respecting intercourse between the high officers of the two Governments; thirdly, the adoption of a uniform system in satisfaction of the understanding arrived at in the month of September, 1875 (8th moon of the 1st year of the reign of Kwang Hsü), on the subject of rectification of conditions of trade. It is to this despatch that Sir Thomas Wade has referred himself in discussions on these questions with the Tsungli Yamên, farther reference to which is here omitted as superfluous. The conditions now agreed to between Sir Thomas Wade and the Grand Secretary are as follows :—

Yunnan Case.

SECTION I.—*Settlement of the Yünnan Case.*

Memorial to Throne.

(i.) A Memorial is to be presented to the Throne, whether by the Tsungli Yamên or by the Grand Secretary Li, is immaterial, in the sense of the memorandum prepared by Sir Thomas Wade. Before presentation, the Chinese text of the Memorial is to be shewn to Sir Thomas Wade.

Proclamation to be published and posted in the provinces. British officers to observe fulfilment of this stipulation.

(ii.) The Memorial having been presented to the Throne, and the Imperial Decree in reply received, the Tsungli Yamên will communicate copies of Memorial and Imperial Decree to Sir Thomas Wade, together with copy of a letter from the Tsungli Yamên to the Provincial Governments, instructing them to issue a proclamation that shall embody at length the above Memorial and Decree. Sir Thomas Wade will thereon reply to the effect that for two years to come officers will be sent, by the British Minister, to different places in the provinces, to see that the proclamation, is posted. On application from the British Minister, or the Consul of any port instructed by him to make application, the high officers of the provinces will depute competent officers to accompany those so sent to the places which they go to observe.

Yunnan frontier trade. Regulations to be framed,

(iii.) In order to the framing of such regulations as will be needed for the conduct of the frontier trade between Burma and Yünnan, the Memorial, submitting the proposed settlement of the Yünnan affair, will contain a request that an Imperial Decree be issued,

directing the Governor-General and Governor, whenever the British Government shall send officers to Yünnan, to select a competent officer of rank to confer with them and to conclude a satisfactory arrangement.

British officials to be stationed at Tali-fu or other suitable place in Yünnan for a period of five years.

(iv.) The British Government will be free for five years, from the 1st of January next, being the 17th day of the 11th moon of the 2nd year of the reign Kwang Hsü, to station officers at Tali-fu, or at some other suitable place in Yünnan, to observe the conditions of trade; to the end that they may have information upon which to base the regulations of trade when these have to be discussed. For the consideration and adjustment of any matter affecting British officers or subjects, these officers will be free to address themselves to the authorities of the province. The opening of the trade may be proposed by the British Government, as it may find best, at any time within the term of five years, or upon expiry of the term of five years.

Mission from India to Yünnan.

Passports having been obtained last year for a Mission from India into Yünnan, it is open to the Viceroy of India to send such Mission at any time he may see fit.

Indemnity fixed at Tls. 200,000.

(v.) The amount of indemnity to be paid on account of the families of the officers and others killed in Yünnan; on account of the expenses which the Yünnan case has occasioned; and on account of claims of British merchants arising out of the action of officers of the Chinese Government up to the commencement of the present year, Sir Thomas Wade takes upon himself to fix at Two Hundred Thousand Taels, payable on demand.

Apology for Yünnan Outrage. Chinese Envoy to England.

(vi.) When the case is closed an Imperial Letter will be written, expressing regret for what has occurred in Yünnan. The Mission bearing the Imperial Letter will proceed to England immediately. Sir Thomas Wade is to be informed of the constitution of this Mission, for the information of his Government. The text of the Imperial Letter is also to be communicated to Sir Thomas Wade by the Tsungli Yamên.

SECTION II.—*Official Intercourse*

Official Intercourse.

Under this heading are included the conditions of intercourse between high officers in the capital and the provinces, and between Consular officers and Chinese officials at the ports; also the conduct of judicial proceedings in mixed cases.

(i.) In the Tsungli Yamên's Memorial of the 28th September, 1875, the Prince of Kung and the Ministers stated that their object in presenting it had not been simply the transaction of business in which Chinese and Foreigners might be concerned; missions abroad and the question of diplomatic intercourse lay equally within their prayer.

Code of etiquette to be considered.

To the prevention of farther misunderstanding upon the subject of intercourse and correspondence, the present conditions of both having caused complaint in the capital and in the provinces, it is agreed that the Tsungli Yamên shall address a circular to the Legations, inviting Foreign Representatives to consider with them a code of etiquette, to the end that foreign officials in China, whether at the ports or elsewhere, may be treated with the same regard as is shown them when serving abroad in other countries, and as would be shown to Chinese Agents so serving abroad.

Chinese Missions and Consulates abroad.

The fact that China is about to establish Missions and Consulates abroad renders an understanding on these points essential.

Criminal Jurisd'

(ii.) The British Treaty of 1858, Article XVI., lays down that "Chinese subjects who may be guilty of any criminal act towards

"British subjects shall be arrested and punished by Chinese authorities "according to the laws of China.

British Treaty Art. XVI.; explanation of meaning.

"British subjects who may commit any crime in China shall be "tried and punished by the Consul, or any other public functionary "authorised thereto, according to the laws of Great Britain.

"Justice shall be equitably and impartially administered on both "sides."

The words "functionary authorised thereto" are translated in the Chinese text "British Government."

Supreme Court at Shanghai.

In order to the fulfilment of its Treaty obligations, the British Government has established a Supreme Court at Shanghai, with a special code of rules, which it is now about to revise. The Chinese

Mixed Court at Shanghai.

Government has established at Shanghai a Mixed Court; but the officer presiding over it, either from lack of power, or dread of unpopularity, constantly fails to enforce his judgments.

More effective administration of justice at the Treaty ports.

It is now understood that the Tsungli Yamên will write a circular to the Legations, inviting Foreign Representatives at once to consider with the Tsungli Yamên the measures needed for the more effective administration of justice at the port open to trade.

Presence of British officers at judicial investigations.

(iii.) It is agreed that, whenever a crime is committed affecting the person or property of a British subject, whether in the interior or at the open ports, the British Minister shall be free to send officers to the spot to be present at the investigation.

To the prevention of misunderstanding on this point, Sir Thomas Wade will write a note to the above effect, to which the Tsungli Yamên will reply, affirming that this is the course of proceeding to be adhered to for the time to come.

Mixed cases—nationality of defendant the guide as to the Court by which the case is adjudicated.

It is farther understood that so long as the laws of the two countries differ from each other, there can be but one principle to guide judicial proceedings in mixed cases in China, namely, that the case is tried by the official of the defendant's nationality; the official of the plaintiff's nationality merely attending to watch the proceedings in the interests of justice. If the officer so attending be dissatisfied with the proceedings, it will be in his power to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case. This is the meaning of the words ***hui t'ung***, indicating combined action in judicial proceedings, in Article XVI. of the Treaty of Tientsin; and this is the course to be respectively followed by the officers of either nationality.

Commercial Section. *Likin*—free area.

SECTION III.—*Trade.*

(i.) With reference to the area within which, according to the treaties in force, ***likin*** ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his Government to allow the ground rented by foreigners (the so-called Concessions) at the different ports, to be regarded as the area of exemption from ***likin;***

Four new Ports to be opened to trade. British officers to reside at Ch'ungking in Ssuch'uan. Opening of Ch'ungk'ing contingent on navigation of Upper Yangtsze.

and the Government of China will thereupon allow Ich'ang in the province of Hupei, Wuhu in Anhui, Wênchow in Chekiang, and Peihai (Pakhoi) in Kwangtung, to be added to the number of ports open to trade, and to become Consular stations. The British Government will farther be free to send officers to reside at Ch'ungk'ing, to watch the conditions of British trade in Ssuch'uan. British merchants will not be allowed to reside at Ch'ungk'ing, or to open establishments or warehouses there, so long as no steamers have access to the port. When steamers have succeeded in ascending the river so far, farther arrangements can be taken into consideration.

Six Ports of call to be opened on River Yangtsze

It is further proposed as a measure of compromise that at certain points on the shore of the Great River, namely, Tat'ung, and Ngan-ching, in the province of Anhui; Huk'ou, in Kiangsi; Wu-sueh, Luchik'ou, and Shashih, in Hukuang; these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorised* to land or ship goods, steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods; but in all instances by means of native boats only, and subject to the regulations in force affecting native trade.

Imports and Exports to be landed and shipped at the above-named places, conditions.

Produce accompanied by a half-duty certificate may be shipped at such points by the steamers, but may not be landed by them for sale. And at all such points, except in the case of imports accompanied by a transit duty certificate, or exports similarly certificated, which will be severally passed free of *likin* on exhibition of such certificates, *likin* will be duly collected on all goods whatever by the native authorities. Foreign merchants will not be authorised to reside or open houses of business or warehouses at the places enumerated as ports of call.

Settlement area to be defined.

(ii.) At all ports opened to trade, whether by earlier or later agreement, at which no settlement area has been previously defined, it will be the duty of the British Consul, acting in concert with his colleagues, the Consuls of other powers, to come to an understanding with the local authorities regarding the definition of the foreign settlement area.

Opium. Joint collection of Customs' duty and *likin* tax proposed for sanction by British Government.

(iii.) On opium, Sir Thomas Wade will move his Government to sanction an arrangement different from that affecting other imports. British merchants, when opium is brought into port, will be obliged to have it taken cognisance of by the Customs, and deposited in bond, either in a warehouse or a receiving hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it, and the purchasers the *likin;* in order to the prevention of the evasion of the duty. The amount of *likin* to be collected will be decided by the different Provincial Governments, according to the circumstances of each.

Transit Duty Certificates to be framed under uniform rule. Nationality of holder immaterial. Rules to be framed for Export transit.

(iv.) The Chinese Government agrees that Transit Duty certificates shall be framed under one rule at all ports, no difference being made in the conditions set forth therein; and that so far as imports are concerned, the nationality of the person possessing and carrying these is immaterial. Native produce carried from an Inland Centre to a Port of Shipment, if *bonâ fide* intended for shipment to a foreign port, may be, by treaty, certificated by the British subject interested, and exempted by payment of the half-duty from all charges demanded upon it *en route.* If produce be not the property of a British subject, or is being carried to a port not for exportation, it is not entitled to the exemption that would be secured it by the exhibition of a Transit Duty Certificate. The British Minister is prepared to agree with the Tsungli Yamên upon rules that will secure the Chinese Government against abuse of the privilege as affecting produce.

Meaning of words *nei ti*, "inland," in Tariff Rule VII.

The words *nei ti*, inland, in the clause of Article VII. of the Rules appended to the Tariff, regarding carriage of imports inland, and of native produce purchased inland, apply as much to places on the sea coasts and river shores, as to places in the interior not open to foreign trade; the Chinese Government having the right to make arrangements for the prevention of abuses thereat.

* N.B.—In the Chinese text, this sentence reads: " . . . are not authorised, *according to the Yangtsze Regulations*, to land and ship, etc."

Drawback Certificates. Period of validity extended to three years.

(v.) Article XLV. of the Treaty of 1858, prescribes no limit to the term within which a drawback may be claimed upon duty paid Imports. The British Minister agrees to a term of three years, after expiry of which no drawback shall be claimed.

New ports and landing-places to be opened within six months.

(vi.) The foregoing stipulation, that certain ports are to be opened to foreign trade, and that landing and shipping of goods at six places on the Great River is to be sanctioned, shall be given effect to within six months after receipt of the Imperial Decree approving the Memorial of the Grand Secretary Li. The date for giving effect to the stipulations affecting exemption of imports from *likin* taxation within the foreign settlements, and the collection of *likin* upon opium by the Customs' Inspectorate at the same time as the Tariff duty upon it, will be fixed as soon as the British Government has arrived at an understanding on the subject with other foreign Governments.

Hongkong. Complaints concerning action of Customs' cruisers. Commission to be appointed.

(vii.) The Governor of Hongkong having long complained of the interference of the Canton Customs' Revenue Cruisers with the junk trade of that Colony, the Chinese Government agrees to the appointment of a Commission, to consist of a British Consul, an officer of the Hongkong Government, and a Chinese official of equal rank, in order to the establishment of some system that shall enable the Chinese Government to protect its revenue, without prejudice to the interests of the Colony.

SEPARATE ARTICLE.

Separate Article.

Entrance into Thibet.

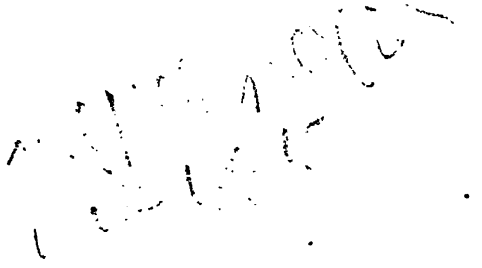
Her Majesty's Government having it in contemplation to send a Mission of exploration next year by way of Peking through Kansu and Koko-Nor, or by way of Ssuch'uan to Thibet, and thence to India, the Tsungli Yamên, having due regarded to the circumstances, will, when the times arrives, issue the necessary passports, and will address letters to the high provincial authorities, and to the Resident in Thibet. If the Mission should not be sent by these routes, but should be proceeding across the Indian frontier to Thibet, the Tsungli Yamên, on receipt of a communication to the above effect from the British Minister, will write to the Chinese Resident in Thibet, and the Resident, with due regard to the circumstances, will send officers to take due care of the Mission; and passports for the Mission will be issued by the Tsungli Yamên, that its passage be not obstructed.

13th September, 1876.

Done at Chefoo, in the Province of Shantung, this thirteenth day of September, in the year of Our Lord One Thousand Eight Hundred and Seventy-Six.

[L.S.] (Signed) THOMAS FRANCIS WADE.

[L.S.] (Signed) CHINESE PLENIPOTENTIARY.



FRANCE.

TRAITÉ D'AMITIÉ DE COMMERCE ET DE NAVIGATION CONCLU, LE 24 SEPTEMBRE, 1844, ENTRE LA FRANCE ET LA CHINE.

AU PALAIS DES TUILERIES, *le 22 Novembre, 1845.*

LOUIS-PHILIPPE, Roi des Français à tous présents et à venir, salut.

Savoir faisons que, entre Nous et Sa Majesté l'Empereur de Chine, il a été a conclu à Whampoa, le 24 Septembre, 1844, un Traité d'amitié, de commerce et de navigation, suivi d'un tarff des droits d'importation et d'exportation que les français auront à payer dans les ports chinois.

Traité dont les ratifications ont été échangées à Macao, le 25 août, 1845, et dont la teneur suit:

TRAITÉ.

Des relations de commerce et de navigation s'etant établies depuis longtemps entre la France et la Chine, Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de Chine ont jugé convenable régulariser l'existence, d'en favoriser le développement et d'en perpétuer la durée. A cet effet, Leurs Majestés ont résolu de conclure un Traité d'amitié, de commerce, et de navigation, fondé sur l'intérêt commun des deux pays, et ont, en consequence, nommé pour leurs Plénipotentiaires, savoir: Plenipotentiaries.

Sa Majesté l'Empereur des Français, M. Théodose de Lagréné, Commandeur de l'Ordre Impérial de la Légion d'honneur, Grand Commandeur de l'Ordre du Sauveur de Gréce, etc., etc., son Envoyé Extraordinaire et Ministre Plénipotentiaire: M. de Lagréné.

Et Sa Majesté l'Empereeur de Chine, Ki, Sous-Précepteur du Prince Impérial. un des Présidents du conseil de la guerre, Gouverneur Général des deux Kuân, membre de la Famille Impériale, etc., etc. Ki-ying.

Lesquels, après s'être communiqué l'un à l'autre leurs pleins pouvoirs respectifs, et les avoir trouvés en bonne et due forme, sont convenus des articles suivants et les ont arrêtés:

ART. I.—Il y aura paix constante et amitié perpétuelle entre Sa Majesté l'Empereur des Erançais, d'une part, et Sa Majesté l'Empereur de Chine, d'autre part, ainsi qu'entre les citoyens et sujets des deux Empires, sans exception de personnes ni de lieux, Tous jouiront, dans les Etats respectifs des hautes parties contractantes, d'une pleine et entière protection pour leurs personnes et leurs propriétés. Reciprocity of friendship and protection.

ART. II.—Dorénavant les français et leurs familles sont autorisés à se transporter, s'établir et se livrer au commerce en toute sécurité, sans entrave ni restriction aucune, dans les ports et places de Canton, Emoui, Fou-Chou, Ning-pô, et Chang-Hai. Les navires français pourront commercer librement dans lesdits ports, y séjourner et circuler de l'un à l'autre, suivant leurs convenances. Mais il leur est formellement interdit de pénétrer et d'effectuer des opérations commerciales Ports open for trade and residence.

dans aucun autre port de la Chine, comme aussi de practiquer sur la côte des ventes ou des achats clandestins. En cas de contravention au présent article, et sauf les exceptions mentionnées a l'article XXX, la cargaison desdits navires pourra être confisquée au profit du gouvernement chinois, lequel, toutefois, devra, immédiatement après la saise et avant que la confiscation ne soit légalement prononcée en donner avis au consulat français du port le plus voisin.

French property to be inviolable. No French ship to be put under embargo, or claimed for any service by the Chinese authorities.

ART. III.—Les propriétés de toute nature appartenantes à des français dans les cinq ports seront considerées par les chinois comme inviolables, et seront toujours respectées par eux. L'autorité chinoise ne pourra, quoi qu'il arrive, mettre embargo sur les navires français, ni les frapper de réquisition pour quelque service public ou privé que ce puisse être.

French Consuls to the open ports.

ART. IV.—Sa Majesté l'Empereur des Français pourra nommer des consuls ou agents consulaires dans chacun des cinq ports susnommés, pour servir d'intermédiaire entre les autorités chinoises et les négociants français, et veiller à la stricte observation des règlements stipulés. Ces fonctionnaires seront traités avec les égards et la considération qui leur sont dus; leurs rapports et communications officielles avec l'autorité supérieure de leur résidence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de ladite autorité, its s'adresseront directement au surintendant des cinq ports ou, à son défaut, au haut fonctionnaire de la province, qui examinera mûrement leurs plaintes et y fera droit, s'il y a lieu. En cas d'absence du consul ou de l'agent consulaire, les capitaines et négociants français auront la faculté de recourir à l'intervention du consul d'une Puissance amie, ou bien s'il n'y avait pas possibilité de le faire, de s'adresser directment au chef de la douane, lequel avisera aux moyens d'assurer auxdits capitaines ou negociants tous les bénéfices du présent Traité.

French men-of-war at the open ports.

ART. V.—Il sera loisible à Sa Majesté l'Empereur des Français de faire stationner un bâtiment de guerre dans chacun des cinq ports, à l'effet de maintenir le bon ordre et la discipline parmi les équipages des navires marchands, et de faciliter l'exercise de l'autorité consulaire. Les mesures nécessaires seront prises pour que la présence des susdits bâtiments de guerre n'entraine aucun inconvénient: et leurs commandants recevront l'ordre de faire exécuter les dispositions mentionnées à l'article XXIII, par rapport aux communications avec la terre et à la police des équipages. Il est bien entendu, d'ailleurs, que les bâtiments de guerre français ne sauraient être frappés d'aucun droit quelconque.

Import and export duties according to annexed tariff. French subjects to enjoy right, etc., granted to subjects of most favoured nation

ART. VI.—Les droits d'importation et d'exportation prélevés dans les cinq ports sur le commerce français seront réglés conformément au tarif annexé au présent, sous le sceau et la signature des plenipotentiaires respectifs. Moyennant l'acquittement de ces droits, dont il est expressément interdit d'augmenter le montant à l'avenir, et que ne pourra aggraver aucune espèce de charges ou de surtaxes quelconques, les français seront libres d'importer en Chine, des ports français et étrangers, et d'exporter également pour toute destination toutes les marchandises qui ne seront pas, au jour de la signature du présent traité et d'après la classification du tarif ci-contre. l'objet d'une prohibition formelle ou d'un monopole spécial. Le gouvernement chinois renonçant à la faculté d'augmenter par la suite le nombre des articles reputés contrebande ou monopole, aucune modification ne pourra être dorénavant apportée au susdit tarif qu'après une entente préalable avec le gouvernement français, et de son plein et entier consentement.

A l'égard du tarif, aussi bien que pour toute stipulation introduite ou à introduire dans les traités existants, ou qui seraient ultérieurement conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens français en Chine, auront droit, toujours et partout, au traitement de la nation la plus favorisée.

Duty-paid French merchandise carried inland.

ART. VII.—Toutes marchandises françaises après avoir acquitté dans l'un des cinq ports les droits de douane liquidés d'après le tarif, pourront être transportées dans l'interieur par les negociants chinois, sans avoir à subir aucune autre charge supplémentaire que le payement des droits de transit, suivant le taux modéré actuellement en vigueur lesquels droits ne seront susceptibles d'aucune augmentation future.

Customs' officers illegally exacting fines to be punished.

Si des agents de la douane chinoise, contrairement à la teneur du présent article et du précédent, exigeaient des rétributions illégales ou prelevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire du Milieu.

Confiscation of smuggled goods.

ART. VIII.—La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrebande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtiments de commerce français dans les cinq ports. S'il en était autrement, toute marchandise introduite en contrebande par des navires ou des négociants français dans l'un des ports précités, quelles que soient d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée, débarquée frauduleusement, seront saisies par l'autorité locale et confisquées au profit du gouvernement chinois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine au bâtiment surpris en contravention, et le contraindre à partir aussitôt après l'apuration de ses comptes.

Si quelque navire étranger se couvrait frauduleusement du pavillon de la France, le gouvernement français verrait à prendre les mesures nécessaires pour la répression de cet abus.

Freedom of trade with the Chinese. Monopolies forbidden.

ART. IX.—La corporation privilégiée, connue précédemment à Canton sous le nom de marchands *hongs* on *hanistes*, ayant été légalement supprimée, les français, dans les cinq ports, seront libres dorénavant de traiter de l'achat et de la vente de toute marchandise d'importation ou d'exportation avec tel suject chinois qu'ils voudront, sans distinction de classe et sans l'intervention obligée de qui que ce soit. Aucune autre société privilégiée ne pourra désormais s'établir non plus qu'aucune coalition organisée dans le but d'exercer un monopole sur le commerce. En cas de contravention au présent, l'autorité chinoise, sur les représentations du consul ou agent consulaire, aviserait au moyen de dissoudre de semblables associations dont elle s'efforcera d'ailleurs de prévenir l'existence par des prohibitions préalables, afin d'écarter tout ce qui pourrait atteinte à la libre concurrence.

Mode of recovering debts. Neither government responsible for individual debts.

ART. X.—Si des chinois, à l'avenir, deviennent débiteurs de capitaines ou de négociants français et leur font éprouver des pertes par fraude ou de toute autre manière, ceux-ci n'auront plus à se prévaloir de la solidarité qui résultait de l'ancien état de choses; ils pourront seulement s'adresser, par l'entremise de leur consul, à l'autorité locale, qui ne négligera rien, après avoir examiné l'affaire, pour contraindre les prévenus à satisfaire à leurs engagements, suivant la loi du pays. Mais si le débiteur ne peut être retrouvé, s'il est mort ou en faillite, et s'il ne reste rien pour payer, les négociants français ne pourront point appeler l'autorité chinoise en guarantie.

En cas de fraude ou de non-payement de la part des négociants français, le consul prétera de la même manière assistance au réclamant,

sans que, toutefois, ni lui ni son gouvernement puissent en aucune façon être rendus responsables.

Engagement of pilots.

ART. XI.—Lorsqu'un bâtiment français arrivera dans les eaux de l'un des cinq ports ouverts au commerce, il aura la faculté d'engager tel pilote qu'il lui conviendra, pour se faire conduire immédiatement dans le port; et, de même, quand, après avoir acquitté toutes les charges légales, il sera prêt à mettre à la voile, on ne pourra davantage lui refuser des pilotes pour le sortir du port sans retard ni delai.

Tout individu qui voudra exercer la profession de pilote pour les bâtiments français pourra, sur la présentation de trois certificats de capitaines de navire, être commissioné par le consul de France de la même manière que cela se pratiquerait pour d'autres nations.

La rétribution à payer au pilote sera réglée selon l'équité, pour chaque port en particulier, par le consul ou agent consulaire, léquel la fixera convenablement, en raison de la distance parcourue et des circonstances de la navigation.

Customs' officers will board and guard a French ship on her arrival. No fees allowed.

ART. XII.—Dès que le pilote aura introduit un navire de commerce français dans le port, le chef de la douane délèguera un ou deux préposés pour surveiller le navire et empêcher qu'il ne se pratique aucune fraude. Ces préposés pourront, selon leur convenance, rester dans leur propre bateau ou se tenir à bord du bâtiment; les frais de leur solde, nourriture et entretien, seront à la charge de la douane chinoise, et ils ne pourront exiger aucune indemnité ou rétribution quelconque du capitaine ou du consignataire. Toute contravention à ces dispositions entrainera une punition proportionnelle au montant de l'exaction, laquelle, en outre, sera intégralement restituée.

Ship's papers to be lodged with Consul for report to Superintendent of Customs.

ART. XIII.—Dans les vingt-quatre heures qui suivront l'arrivée d'un navire de commerce français dans un des cinq ports, le capitaine, s'il n'est dûment empêché, et à son defaut, le subrécargue ou le consignataire, devra se rendre au consulat de France, et remettre entre les mains du consul les papiers de bord, les connaissements et le manifeste; dans le vingt-quatre heures suivantes, le consul enverra au chef de la douane une note détaillée indiquant le nom du navire, le rôle d'équipage, le tonnage légal du bâtiment et la nature de son chargement. Si, par suite de la négligence du capitaine, cette dernière formalité n'avait pu être accomplie dans les quarante-huit heures qui suivront l'arrivée du navire, le capitaine sera passible d'une amende de cinquante piastres par jour de retard, au profit du gouvernement chinois; ladite amende, toutefois, ne pourra dépasser la somme de deux cents piastres.

Fine for delay.

Permit to open hatches; penalty for discharging without permit.

Aussitôt après la réception de la note transmise par le consulat, le chef de la douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'avoir reçu le permis précité, avait ouvert sa cale at commence a décharger, il pourra être condamné à une amende de cinq cents piastres, et les marchandises débarqués pourront être saisies, le tout au profit du gouvernement chinois.

A French ship, if she has not taken out a permit to open hatches, may depart within two days from her arrival without paying Tonnage or Customs' Dues.

ART, XIV.—Tout bâtiment français entré dans un port de Chine, et qui n'a point encore levé le permis de débarquement mentionné plus bas à l'article XVI, pourra, dans les deux jours de son arrivée, quitter le port et se rendre dans un autre sans avoir à payer ni droit de tonnage ni droit de douane, attendu qu'il les acquittera ultérieurement dans le port où il effectuera la vente de ses marchandise.

Tonnage Dues. Certificates of exemption therefrom. Boats carrying passengers or

ART. XV.—Après l'expiration des deux jours susmentionnés, et avant de procéder au déchargement, chaque bâtiment de commerce français acquittera intégralement les droits de tonnage ainsi réglés: pour les navires de cent cinquante tonneaux de la jauge légale et

au-dessus, à raison de cinq maces (un demi-tael) par tonneau; pour les navires jaugeant moins de cent cinquante tonneaux, à raison de un mace (un dexième de tael) per tonneau. Toutes les retributions et surcharges additionnelles, antérieurement imposées a l'arrivée et au départ, sont expressément supprimées et en pourront être remplacées par aucune autre. Duty-free articles exempt from Tonnage Dues.

Lois du payement du droit précite, le chef de la douane délivrera au capitaine ou consignataire un reçu en forme de certificat constatant que le droit de tonnage a été intégralement acquitté; et, sur l'exhibition de ce certificat au chef de la douane de tout autre des cinq ports où il lui conviendrait de se rendre, le capitaine sera dispensé de payer de nouveau pour son bâtiment le droit de tonnage, tout navire français ne devant en être passible qu'une seule fois à chacun de ses voyages d'un pays étranger en Chine.

Sont exemptés du droit de tonnage les barques, goëlettes, bateaux caboteurs et autres embarcations françaises, pontées ou non pontées, employées aux transports des passagers bagages, lettres, comestibles, et généralement de tous objets non sujets aux droits. Si lesdites embarcations transportaient en outre des marchandises, elles rentreraient dans la catégorie des navires jaugeants moins de cent cinquante tonneaux, et payeraient à raison de un dixième de tael (un mace) par tonneau. Les négociants français pourront toujours affréter des jonques et autres embarcations chinoises, lesquelles ne seront soumises a aucun droit de tonnage.

Art. XVI.—Toutes les fois qu'un négociant francais aura des marchandises à embarquer ou à debarquer, il devra d'abord en remettre la note détaillée au consul ou agent cousulaire, qui chargera immédiatement un interprète reconnu du consulat d'en donner communication au chef de la douane. Celui-ci délivrera sur-le-champ un permis d'embarquement ou de débarquement. Il sera alors procédé à la vérification des marchandises dans la forme la plus convenable pour qu'il n'y ait chance de perte pour aucune des parties. Permits for shipping and landing goods

Le négociant français devra se faire représenter sur le lieu de la vérfication (s'il ne préfère y assister lui même) par une personne réunissant les qualités requises, à l'effet de veiller à ses intérêts au moment où il sera procédé à cette vérification pour la liquidation des droits; faute de quoi, toute réclamation ultérieure restera nulle et non avenue. Mode of fixing value of goods subject to *ad valorem* duty.

En ce qui concerne les marchandises taxées *ad valorem*, si le négociant ne peut tomber d'accord avec l'employé chinois sur la valeur à fixer, chaque partie appellera deux ou trois négociants chargés d'examiner les marchandises, et le prix le plus élevé qui sera offert par l'un d'eux sera réputé constituer la valeur réelle desdites marchandises.

Les droits seront prélevés sur le poids net; on déduira, en conséquence, le poids der emballages et contenants. Si le négociant français ne peut s'entendre avec l'employé chinois sur la fixation de la taxe, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis, objets du litige; ils seront d'abord pesés brut, puis taxés, ensuite, et la taxe moyenne des colis pesés servira de taxe pour tous les autres. Duty on net weight. Mode of settling tare.

Si pendant le cours de la vérification, il s'élève quelque difficulté qui ne puisse être résolue, le négociant français pourra réclamer l'intervention du consul, lequel portera sur-le-champ l'objet de la contestation à la connaissance du chef des douanes, et tous deux s'efforceront d'arriver à un arrangement amiable. Mais le réclamation devra avoir lieu dans les vingt-quatre heures, sinon il n'y sera pas Disputes between Customs' officers and merchants.

donné suite. Tant que le jugement de la contestation restera pendant, le chef de la douane n'en portera pas l'objet sur ses livres, laissant ainsi toute latitude pour l'examen et la solution de la difficulté.

Duty on damaged goods.

Les marchandises importées qui auraient éprouvé des avaries jouiront d'une réduction de droits proportionnelle à leur dépréciation: celle-ci sera déterminée équitablement, et, s'il le faut, par expertise contradictoire, ainsi qu'il a été stipulé plus haut pour la fixation des droits *ad valorem*.

Duty on part of merchandise discharged. Duty paid imports re-exported.

ART. XVII.—Tout navire français entré dans l'un des cinq ports, et qui voudra n'y décharger qu'une partie de ses marchandises, ne payera les droits de douane que pour la partie débarque; il pourra transporter le reste de sa cargaison dans un autre port et l'y vendre. Les droits seront alors acquittés.

Confiscation in case of fraud.

Dans le cas où des français, aprés avoir acquitté dans un port les droits sur des marchandises, voudraient les réexporter et aller les vendre dans un autre port, ils en préviendront le consul ou agent consulaire; celui-ci, de son côté en informera le chef de la douane lequel, aprés avoir constaté l'identité de la marchandise et la parfaite intégrité des colis, remettra aux réclamants une déclaration attestante que les droits afférents auxdites marchandises ont été effectivement acquittés. Munis de cette déclaration, les négociants français n'auront à leur arrivée dans l'autre port, qu'à la présenter, par l'entremise du consul, au chef de la douane, qui délivera pour cette partie de la cargaison, sans retard et sans frais, un permis de débarquement en franchise de droits. Mais si l'autorité découvrait de la fraude ou de la contrebande parmi les marchandises ainsi réexportées, celles-ci seraient, après vérification, confisquées au profit du gouvernement chinoise.

Import duties on landing, export duties on shipping goods Port Clearance, Duties o be paid into authorized banks.

ART. XVIII.—Il est établi, de commun accord, que les droits d'importation seront acquittés par les capitaines ou négociants français au fur et à mesure du débarquement des marchandises et aprés leur verification: les droits d'exportation le seront de la même maniére lors de l'embarquement. Lorsque les droits de tonnage et de douane dus par un bâtiment français auront été intégralement acquittés. le chef de la douane délivrera une quittance générale, sur l'exhibition de laquelle le consul rendra ses papiers de bord au capitaine, et lui permettra de mettre à la voile.

Le chef de la douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les sommes dues par les négociants français au compte du gouvernement, et les récépissés de ces maisons de change, pour tous les paiement qui leur auront été faits, seront reputés acquits du gouvernement chinois. Ces paiements pourront s'opérer, soit en lingots, soit en monnaies étrangéres dont le rapport avec l'argent sycé sera déterminé, de commun accord, entre le consul ou agent consulaire français, et le chef de la douane dans les différents ports, suivant le temps, le lieu et les circonstances.

Standards of weights and measures.

ART. XIX.—Dans chacun des cinq ports, le chef de la douane recevra pour lui-même et déposera au consulat français, des balances légales pour les marchandises et pour l'argent, ainsi qui des poids et des mesures exactement conformes aux poids et mesures en usage à la douane de Canton, et revétus d'une estampille et d'un cachet constatant cette conformitté. Ces étalons seront la base de toutes les liquidations de droits et de tous les paiements à faire au gouvernement chinois. On y aura recours en cas de contestation sur le poids et la mesure des marchandises, et il sera statué d'après les résultats qu'ils auront donnés

ART. XX.—Aucun transbordement de marchandises ne pourra avoir lieu que sur permis spécial et dans un cas d'urgence. S'il devient indispensable d'effectuer cette opération, il devra en être référé au consul, qui délivrera un certificat sur le vu duquel le transbordement sera autorisé par le chef de la douane. Celui-ci pourra toujours déléguer un employé de son administration pour y assister. Tout transbordement non autorisé, sauf le cas de péril en la demeure, entrainera la confiscation, au profit du gouvernement chinois, de la totalité des marchandises illicitement transbordées.

Goods transhipped without special permit confiscated.

ART. XXI.—Les capitaines et négociants français pourront louer telles espèces d'allèges et d'embarcations qu'il leur plaira pour transporter des marchandises et des passagers, et la rétribution à payer pour ces allèges sera réglée de gré à gré par les parties intéressées, sans l'intervention de l'autorité chinoise, et par conséquant sans sa garantie en cas d'accident de fraude ou de disparition desdites allèges. Le nombre n'en sera point limité, et le monopole n'en pourra être concédé à qui que ce soit, non plus que celui du transport par portefaix des marchandises à embarquer ou à debarquer.

No monopoly or restrictions as to cargo-boats or porters.

ART. XXII.—Tout français qui, conformément aux stipulations de l'article II, arrivera dans l'un des cinq ports, pourra, quelle que soit la durée de son séjour, y louer des maisons et des magasins pour déposer ses marchandises, ou bien affermer des terrains et y bâtir lui-même des maisons et des magasins. Les français pourront de la même manière, établir des églises, des hôpitaux, des hospices, des écoles et des cimetières. Dans ce but, l'autorité locale, après s'être concertée avec le consul, désignera les quartiers les plus convenables pour la résidence des français, et les endroits dans lesquels pourront avoir lieu les constructions précitées. Le prix des loyers et des fermages sera librement débattu entre les parties intéressées et régle, autant que faire se pourra, conformément à la moyenne des prix locaux. Les autorités chinoises empêcheront leurs nationaux de surfaire ou d'exiger des prix exorbitants, et le consul, de son côte, veillera à ce que les français n'usent pas de violence ou de contrainte pour forcer le consentement des propriétaires. Il est bien entendu, d'ailleurs, que le nombre des maisons et l'étendue des terrains à affecter aux français dans les cinq ports ne seront point limités, et qu'ils seront déterminés d'après les besoins et les convenances des avants droit. Si des chinois violaient ou détruisaient des églises ou des cimetières français, les coupables seraient punis suivant toute la rigueur des lois du pays.

In the open ports French subjects, may buy, build or hire houses, places of worship, etc.

ART. XXIII.—Les français résidants ou de passage dans un des cinq ports pourront circuler dans leur voisinage immédiat et y vaquer a leur occupation aussi librement que les nationaux. Mais ils ne pourront dépasser certaines limites, qui seront fixées de commun accord entre le consul et l'autorité locale, ni, sous aucun prétexte, se livrer à des opérations commerciales en dehors ces limites. Celles-ci seront également respectées par les équipages des bâtiments français, mouillés dans chacun desdits ports. Quand des matelots descendront à terre, ils seront soumis à des règlements de discipline spéciale qui seront arrêtés par le consul et communiqués à l'autorité locale, de manière à prévenir, autant que possible, toute occasion de querelle entre les navires français et les gens du pays.

Right of excursion in neighbourhood of the open ports

Si, contrairement aux présentes dispositions, des français, quels qu'ils soient, s'aventuraient en dehors des limites où pénétraient au loin dans l'intérieur, ils pourront être arrêtés par l'autorité chinoise, laquelle, dans ce cas, sera tenue de les faire conduire au consulat français du port le plus voisin ; mais il est formellement interdit à tout

individu quelconque de frapper, de blesser on de maltraiter en ancune manière les français ainsi arrêtés, de peur de troubler la bonne harmonie qui droit régner entre les deux empires.

In the open ports French subjects may hire Chinese servants, interpreters, etc., and may teach foreign languages.

ART. XXIV.—Les français, dans les cinq ports, pourront choisir librement et à prix débattu entre les parties, ou sous la seule intervention du consul, des compradors, interprètes, écrivains, ouvriers, bateliers et domestiques; ils auront, en outre, la faculté d'engager des lettrés du pays pour apprendre à parler ou à écrire la langue chinoise et toute autre langue ou dialecte usités dans l'empire, comme aussi de se faire aider par eux, soit pour leurs écritures, soit pour des travaux scientifiques ou littéraires. Ils pourront également enseigner à tout sujet chinois la langue du pays ou des langues étrangères, et vendre sans obstacle des livres français, ou acheter eux-mêmes tout sortes des livres chinois.

Disputes between French and Chinese subjects.

ART. XXV.—Lorsqu'un citoyen français aura quelque sujet de plainte ou quelque réclamation à formuler contre un chinois, il devra d'abord exposer ses griefs au consul, qui après avoir examiné l'affaire, s'efforcera de l'arranger aimablement. De même, quand un chinois aura à se plaindre d'un français, le consul écoutera sa réclamation avec interêt et cherchera à ménager un arrangement aimable. Mais si, dans l'un ou l'autre cas, la chose était impossible, le consul requerra l'assistance d'un fonctionnaire chinois compétent, et tout deux, après avoir examiné conjointement l'affaire, statueront suivant l'équité.

Protection of French subjects and property from insult and injury.

ART. XXVI.—Si dorénavant des citoyens français, dans un des cinq ports, éprouvaient quelque dommage, ou s'ils étaient l'objet de quelque insulte ou vexation de la part de sujets chinois, ceux-ci seront poursuivis par l'autorité, locale, pui prendra les mesures nécessaires pour la défense et la protection des français. A bien plus forte raison si des malfaiteurs, ou quelque partie égarée de la population, tentaient de piller, de détruire ou d'incendier les maisons, les magasins des français ou tout autre établissement formé par eux, la même autorité, soit à la réquisition du consul, soit de son propre mouvement, enverrait en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables et les livrer à toute la sévérité des lois: le tout sans prejudice des poursuites à exercer par qui de droit pour indemnisation des pertes éprouvées.

French criminals in China punished by French Consuls, Chinese criminals by Chinese authorities.

ART. XXVII.—Si, malheureusement, il s'élevait quelque rixe ou quelque querelle entre des français et des chinois, comme aussi dans le cas où, durant le cours d'une semblable querelle, un ou plusieurs individus seraient tués ou blessés, soit par des coups de feu, soit autrement, les chinois seront arrêtés par l'autorité chinoise, qui se chargera de les faire examiner et punir, s'il y a lieu conformément aux lois du pays. Quant aux français, il seront arrêtés à la diligence du consul, et celui-ci prendera toutes les mesures nécessaires pour que les prévenus soient livrés à l'action régulière des lois françaises, dans la forme et suivant les dispositions qui seront ultérieurement déterminées par le gouvernement français.

Il en sera de même en toute circonstance analogue et non prévue dans la présente Convention, le principe étant que, pour la répression des crimes et délits commis par eux dans les cinq ports, les français seront constamment régis par la loi française.

Disputes between French subjects, and between French subjects and other foreigners.

ART. XXVIII.—Les français qui se trouveront dans les cinq ports dépendront également, pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux, de la juridiction française. En cas de différends survenus entre français et étrangers, il est bien stipulé que l'autorité chinoise n'aura à s'en mêler d'aucune manière. Elle

n'aura pareillement à exercer aucune action sur les navires marchands français: ceux-ci ne relèveront que de l'autorité française et du capitaine.

Arrest and punishment of pirates attacking French ships.

ART. XXIX.—Dan le cas où des navires de commerce françis seraient attaqués ou pillés par des pirates dans les parages dépendant de la Chine, l'autorité civile et militaire de lieu le plus rapproché, dès qu'elle aura connaissance du fait, en poursuivra activement les auteurs et ne négligera rien pour qu'ils soient arrêtés et punis conformément aux lois. Les marchandises enlevées, en quelque lieu et dans quelque état qu'elles se retrouvent, seront remises entre les mains du consul, qui se chargera de les restituer aux ayants droit. Si l'on ne peut s'emparer des coupables ni recouvrir la totalité des objects volés, les fonctionnaires chinois subiront la peine infligée par la loi en semblable circonstance, mais ils ne sauraient être rendus pécuniairement responsables.

French ships of war may visit all ports of China. Merchant ships in distress to be assisted.

ART. XXX.—Tout bâtiment de guerre français croisant pour la protection du commerce sera reçu en ami et traité comme tel dans les ports de Chine, où il se présentera, Ces bâtiments pourront s'y procurer les divers objects de rechange et de ravitaillement dont ils auraient besoin, et s'ils ont fait des avaries, les réparer et acheter, dans ce but, les matériaux nécessaires, le tout sans la moindre opposition.

Il en sera de même à l'égard des navires de commerce français qui, par suite d'avaries majeures ou pour toute autre cause, seraient contraints de chercher refuge dans quelque port chinois que ce fût.

Si quelqu'un de ces bâtiments venait à se perdre sur la côte, l'autorité chinoise la plus proche, dès quelle en serait informée, porterait sur-le-champ assistance à l'équipage, pourvirait à ses premiers besoins, et prendrait les mesures d'urgence necessaires pour le sauvetage du navire et la préservation des merchandises. Puis elle porterait le tout a la connaissance du consul, ou agent consulaire le plus à portée du sinistre, pour que celui-ci de concert avec l'autorité compétente, pût aviser aux moyens de rapatrier l'équipage et de sauver les débris du navire et de la cargaison.

Mutual extradition of deserters or criminals.

ART. XXXI.—S'il arrive que des matelots ou autres individus désertent des bâtiments de guerre ou s'évadent des navires de commerce français, l'autorité chinoise, sur la réquisition du consul ou, à son défaut, du capitaine, fera tous ses efforts pour découvrir et restituer sur-le-champ, entre les mains de l'un ou de l'autre, les susdits déserteurs ou fugitifs.

Pareillement, si des chinois déserteurs ou prévenus de quelque crime vont se réfugier dans des maisons françaises ou à bord de navires appartenant à des Français, l'autorité locale s'adressera au consul, qui, sur la preuve de la culpabilité des prévenus, prendra immediatement les mesures necessaires pour que leur extradition soit effectuée; de part et d'autre, on éviters soigneusement tout recel et toute connivence.

If China be at war with sny other power, the trade of France with either shall not be fnterrupted except by an effective blockade.

ART XXXII.—Dans le cas où, par la suite des temps, la Chine entrerait en guerre avec une autre puissance, cette circonstance ne porterait aucune atteinte au libre commerce de la France avec la Chine ou avec la nation ennemie. Les navires français pourront toujours, sauf le cas de blocus effectif, circuler sans obstacle des ports de l'une aux ports de l'autre, y trafiquer comme à l'ordinaire, et y importer ou en exporter toute espèce de marchandises non prohibèes.

Modes of address and correspondence.

ART. XXXIII.—Dèsormais les correspondences officielles entre les autorités et les fonctionnaires des deux pays seront règlées suivant les rangs et les positions respectives, d'après la base de la rèciprocitè la plus absolue. Ces correspondances auront lieu entre les hauts fonctionnaires français et les hauts fonctionnaires chinois, dans la

capitals ou ailleurs, pur *dépêche* ou *communication ;* entre les fonctionnaires français en sous-ordre et les hautes authorités chinoises des provinces, pour les premiers par *exposé*, pour les seconds par *déclartion ;* entre les officiers en sous-ordre des deux nations, comme il est dit plus haut, sur le pied d'une parfaite égalité.

Les négociants, et généralement tous les individus qui n'ont point de caractère officiel, se serviront réciproquement de la formule *réprésentation* dans toutes les pièces adressées ou destinées pour renseignement aux autorités respectives.

Toutes les fois qu'un français aura à recourir à l'autorité chinoise, sa réprésentation devra d'abord être soumise au consul, qui, si elle lui paraît raisonable et convenablement rédigèe, lui donnera suite, et qui, s'il en est autrement, en fera modifier la teneur ou refusera de la transmettre. Les chinois, de leur côtè, lorsqu'ils auront à s'adresser au consulat, devront suivre une marche analogue auprès de l'autorité chinoise, laquelle agira de la même manière.

Mode of transmitting despatches.

ART, XXXIV.—Si, dorenavant, le gouvernement de la Majeste l'Empereur des Français avait à envoyer quelques dépêches à la cour de Pékin, elles seront transmises à leur destination par l'entremise du surintendant des cinq ports chargé de la direction des relations extérieures de la Chine, ou, à son défaut, de l'un des vice-rois des province du littoral, à qui le chef de l'établissement consulaire français les fera parvenir. Les mêmes formalités seraient observées pour la transmission des réponses de la cour de Pékin.

Revision of present Treaty. Consuls, etc., not subject to obligation not expressed in present Treaty. French subjects to enjoy immunities granted to other foreigners.

ART. XXXV.—Sa Majesté l'Empereur des Français, si par la suite il jugeait convenable d'apporter des modifications à quelques-unes des clauses du présent traité, sera libre d'ouvrir, à cette effet, des négociations avec le gouvernment chinois, aprés un intervalle de douze années rêvolues, à partir de l'échange des ratifications. Il est d'ailleurs entendu qui toute obligation non consignée expressément dans la présente Convention ne saura étre imposée aux consuls ou agents consulaires français, non plus qu'à leurs nationaux, tandis que, comme il à été stipulé, les français jouiront de tous les droits, priviléges, immunités et garanties quelconque qui aurait étè ou seraient accordes par le gouvernment chinois à d'autres puissances.

Exchange of ratifications.

ART. XXXVI.—Les ratifications du prèsent Traitè d'amitié, de commerce, et de navigation seront èchangèes dans l'intervalle d'un an, à partir du jour de la signature, ou plus tôt si faire se peut, par Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de Chine.

En foi de quoi, les Plénipotentiaires respectifs ont signè le présent Traité, et ont apposè leurs cachets.

24th Oct., 1844.

Signé et scellé par les Plénipotentiaires respectifs, à Whampoa, à bord de la corvette française à vapeur *l'Archimède*, le 24 jour du mois d'Octobre de l'an de grâce 1844, correspondant au 13ème jour de la 9e lune de la 24e année de Tao-Kuân.

[L.S.] (Signé) T. DE LAGRÉNÉ.
[L.S.] (Signé) KI.

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN FRANCE AND CHINA.

Signed, in the French and Chinese Languages, at Tientsin, 27th June, 1858.
Ratifications exchanged at Peking, 25th October, 1860.

Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de la Chine, animés l'un et l'autre du désir de mettre un terme aux différends qui se sont élevés entre les deux Empires, et voulant rétablir et améliorer les relations d'amitié, de commerce, et de navigation qui ont existé entre les deux puissances, comme aussi en régulariser l'existence, en favoriser le développement, et en perpetuer la durée, ont résolu de conclure un nouveau Traité basé sur l'intérêt commun des deux pays, et ont en conséquence nommé pour leurs Plenipotentiaires, savoir:

Plenipotentiaries. Baron Gros

Sa Majesté l'Empereur des Français, le Sieur Jean Baptiste Louis, Baron Gros, Grand Officier de la Légion d'Honneur, Grand-Croix de l'Ordre du Sauveur de Grèce, Commandeur de l'Ordre de la Conception de Portugal, etc., etc., etc.;

Kweiliang.

Et Sa Majesté l'Empereur de la Chine, Kouei-Liang, Haut Commissaire Impérial de la Dynastie Ta-'Tsing, Grand Ministre du Palais Oriental, Directeur-Général du Conseil de Justice, etc., etc., etc., et

Hwashana.

Houa-cha-na, Haut Commissaire Impérial de la Dynastie Ta-'Tsing, Président du Conseil des Finances, Général de l'Armée Sino-Tartare, de la Bannière à bord d'azur, etc., etc., etc.;

Lesquels, après avoir échangé leurs pleins pouvoirs, qu'ils ont trouvés en bonne et due forme, sont convenus des Articles suivants:—

Reciprocity of friendship and protection.

ART. I.—Il y aura paix constante et amitié perpétuelle entre Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, ainsi qu'entre les sujets des deux Empires sans exception de personnes ni de lieux. Ils jouiront tous également dans les états respectifs des hautes parties contractantes d'une pleine et entière protection pour leurs personnes et leurs propriétés.

French Embassy at Peking to have usual privileges and the same right of residing at Peking as other Ambassadors; expense to be borne by France. Chinese Minister in France on same footing.

ART. II.—Pour maintenir la paix si heureusement rétablie entre les deux Empires, il a été convenu entre les hautes parties contractantes qu'à l'exemple de ce qui se pratique chez les nations de l'Occident, les agents diplomatiques dûment accrédités par Sa Majesté l'Empereur des Français auprès de Sa Majesté l'Empereur de la Chine pourront se rendre éventuellement dans la capitale de l'Empire lorsque des affaires importantes les y appelleront. Il est convenu entre les hautes parties contractantes que si l'une des puissances qui ont un traité avec la Chine, obtenait pour ses agents diplomatiques le droit de résider à poste fixé à Pékin, la France jouirait immédiatement du droit dont il est parlé ci-dessus.

Les agents diplomatiques jouiront réciproquement, dans le lieu de leur résidence, des privilèges et immunités que leur accorde le droit des gens, c'est-à-dire, qne leurs personnes, leurs familles, leurs maisons, et leur correspondance seront inviolables; qu'ils pourront prendre à leur service les employés, courriers, interprètes, serviteurs, etc., etc., qui leur seront nécessaires.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques de France en Chine seront supportées par le gouvernement français. Les agents diplomatiques qu'il plaira à Sa Majesté l'Empereur de la Chine d'accréditer auprès de Sa Majesté l'Empereur des Français seront reçus en France avec tous les honneurs et toutes les prérogatives dont jouissent, à rang égal, les agents diplomatiques des autres nations accréditées à ia cour de Sa Majesté l'Empereur des Français.

Official correspondence to be in French with Chinese version: the original text will be held as correct. This is applied to present Treaty.

ART. III.—Les communications officielles des agents diplomatiques et consulaires français avec les autorités chinoises seront écrites en français, mais seront accompagnées, pour faciliter le service, d'une traduction chinoise aussi exacte que possible, jusqu'au moment où le Gouvernement Impérial de Pékin ayant des interprètes pour parler et écrire correctement le français, la correspondance diplomatique aura lieu dans cette langue pour les agents française, et en chinois pour les fonctionnaires de l'empire. Il est convenu que jusque là et en cas de dissidence dans l'interprétation à donner au texte français et au texte chinois au sujet des clauses arrétées d'avance dans les Conventions faites de commun accord, ce sera toujours le texte original et non la traduction qui fera foi. Cette disposition est applicable au présent traité, et dans les communications entre les autorités des deux pays ce sera toujours le texte original et non la traduction qui fera foi.

Modes of address and correspondence. A French subject will address the Chinese authorities through his Consul. A Chinese will address the French Consul through the Chinese authorities.

ART. IV.—Désormais les correspondances officielles entre les autorités et les fonctionnaires des deux pays seront réglées suivant les rangs et les positions respectives, et d'après les bases de la réciprocité la plus absolue. Ces correspondances auront lieu entre les hauts fonctionnaires français et les hauts fonctionnaires chinois dans la capitale ou ailleurs, par dépêche ou communication; entre les fonctionnaires français en sous ordre et les hautes autorités des provinces, pour les premiers par exposé (申陳), pour les seconds par declaration (劄行).

Entre les officiers en sous ordre des deux nations, comme il est dit plus haut, sur le pied d'une parfaite égalité.

Les négociants, et généralement tous les individus qui n'ont pas de caractère officiel, se serviront réciproquement de la formule représentation (稟) dans toutes les pièces adressées ou destinées pour renseignements aux autorités respectives.

Toutes les fois qu'un français aura à recourir à l'autorité chinoise sa représentation devra d'abord être soumise au consul, qui, si elle parait raisonable et convenablement rédigée, lui donnera suite, et qui, s'il en est autrement, en fera modifier la teneur ou refusera de la transmettre. Les chinois, de leur côté, lorsqu'ils auront à s'adresser au consulat, devront suivre une marche analogue auprès de l'autorité chinoise, laquelle agira de la même manière.

French Consuls may be appointed. Provision in case of complaints made by them and in case of their absence.

ART. V.—Sa Majesté l'Empereur des Français pourra nommer des consuls ou des agents consulaires dans les ports de mer ou de rivière de l'empire chinois, dénommés dans l'article VI du présent traité, pour servir d'intermédiaire entre les autorités chinoises et les négociants et les sujets français, et veiller à la stricte observation des réglements stipulés. Ces fonctionnaires seront traités avec la considération et les égards qui leur sont dûs. Leurs rapports avec les autorités du lieu de leur résidence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de la dite autorité, ils s'addresseraient directement à l'autorité supérieure de la province, et en donneraient immédiatement avis au Ministre Plénipotentiaire de l'Empereur.

En cas d'absence du consul français, les capitaines et les négociants français auraient la faculté de recourir à l'intervention du consul d'une puissance amie, ou, s'il etait impossible de le faire, ils auraient recours au chef de la douane, qui aviserait au moyen d'assurer à ces capitaines et négociants le bénéfice du présent traité.

ART. VI.—L'expérience ayant démontré que l'ouverture de nouveaux ports au commerce étranger est une des nécessités de l'époque, il a été convenu que les ports de Kioung-tchaou et Tchaou-tchaou dans la province de Kouangton, Taïvan et Tanshwi dans l'Ile de Formose (province de Fo-kien), Tan-tchao, dans la province de Shantong, et Nankin dans la province de Kiang-nan jouiront des mêmes privilèges que Canton, Shang-Hai, Ning-Po, Amoy, et Fou-Tcheou. Quant à Nankin, les agents français en Chine ne délivreront de passeports à leurs nationaux pour cette ville que lorsque les rebelles en auront été expulsés par les troupes Impériales.

The ports of Kiung-chow Chao-chow, Tai-wan, Tamsui, Tang-chow (Chefoo) and Nanking to be opened.

ART. VII.—Les français et leurs familles pourront se transporter, s'établir, et se livrer au commerce ou à leur industrie en toute sécurité et sans entrave d'aucune espèce dans les ports et villes de l'empire chinois situés sur les côtes maritimes et sur les grands fleuves, dont l'énumeration est contenue dans l'article précédent.

Ils pourront circuler librement de l'un à l'autre s'ils sont munis de passeports; mais, il leur est formellement défendu de pratiquer sur la côte des ventes ou des achâts clandestins, sous peine de confiscation des navires et des marchandises engagées dans ces opérations; et cettes confiscation aura lieu au profit du gouvernement chinois, qui devra cependant, avant que la saisie et la confiscation ne soient légalement prononcées, en donner avis au consul français du port le plus voisin.

French subjects and their families may establish themselves and trade at any of the said ports and travel between them with passports; but in case of trading elsewhere on the coast both ships and goods may be confiscated.

ART. VIII.—Les français qui voudront se rendre dans les villes de l'intérieur ou dans les ports où ne sont pas admis les navires étrangers, pourront le faire en toute sûreté, à la condition expresse d'être munis de passeports rédigés en français et en chinois, légalement délivres par les agents diplomatiques ou les consuls de France en Chine, et visés par les autorités chinoises.

French subjects may travel to other Chinese cities if furnished with passports.

En cas de perte de ce passeport, le français qui ne pourra pas le présenter lorsqu'il en sera réquis régalement, devra, si l'autorité chinoise du lieu où il se trouve se refuse à lui donner un permis de séjour pour lui laisser le temps de demander un autre passeport au consul, être reconduit au consulat le plus voisin, sans qu'il soit permis de le maltraiter ni de l'insulter en aucune manière.

Ainsi que cela était stipulé dans les anciens traités, les français résidants ou de passage dans les ports ouverts au commerce étranger pourront circuler sans passeports dans leur voisinage immédiat et y vaquer à leurs occupations aussi librement que les nationaux; mais ils ne pourront dépasser certaines limites qui seront fixées de commun accord entre le consul el l'autorité locale. Les agents français en Chine ne délivreront de passeports à leurs nationaux que pour les lieux où les rebelles ne seront pas établis dans le moment où le passeport sera demandé.

Ces passeports ne seront délivres par les autorités françaises qu'aux personnes qui leur offriront toutes les garanties désirables.

ART. IX.—Tous les changements apportés d'un commun accord, avec l'une des puissances signataires des traités avec la Chine, au sujet des améliorations à introduire au tarif actuellement en vigueur, ou à celui qui le serait plus tard, comme aussi aux droits de douane, de tonnage, d'importation, de transit, et d'exportation, seront immédiatement

French subjects to have advantage of all ameliorations in Tariff.

applicables au commerce et aux négociants français par le seul fait de leur mise à exécution.

In the open ports French subjects may buy, build, or hire, houses, hospitals churches, etc., in places arranged with Consul at fair prices. Chinese injuring Churches or Cemeteries will be punished.

ART. X.—Tout français qui, conformément aux stipulations de l'article VI du présent traité, arrivera dans l'un des ports ouverts au commerce étranger, pourra, quelle que soit la durée de son séjour, y louer des maisons et des magasins pour déposer ses marchandises, on bien affermer des terrains et y bâtir lui-même des maisons et des magasins. Les français pourront, de la même manière, établir des églises, des hôpitaux, des hospices, des écoles, et des cimetières. Dans ce but l'autorité locale, après s'être concertée avec le consul, désignera les quartiers les plus convenables pour la résidence des français et les endroits dans lesquels pourront avoir lieu les constructions précitées.

Le prix de loyers et des fermages sera librement débattu entre les parties interessées, et réglé, autant que faire se pourra, conformément à la moyenne des prix locaux.

The number of houses and extent of ground to be assigned for the residence of French subjects at the open ports to be unrestricted.

Les autorités chinoises empêcheront leurs nationaux de surfaire ou d'exiger des prix exorbitants, et le consul veillera, de son coté, à ce que les français n'usent pas de violence ou de contrainte pour forcer le consentement des propriétaires. Il est bien entendu d'ailleurs que le nombre des maisons et i'étendue des terrains à affecter aux français dans les ports ouverts au commerce étranger ne seront point limités, et qu'ils seront déterminés d'après les besoins et les convenances des ayans droit. Si des chinois violaient ou détruisaient des églises ou des cimetières français, les coupables seraient punis suivant toute la rigueur des lois du pays.

In the open ports French subjects may hire freely Chinese servants, workmen, teachers, clerks, interpreters, and may teach Chinese foreign languages.

ART. XI.—Les français dans les ports ouverts au commerce étranger pourront choisir librement, et à prix débattu entre les parties ou sous la seule intervention du consul, des compradors, interprètes, écrivains, ouvriers, bateliers, et domestiques. Ils auront en outre la faculté d'engager des lettrés du pays pour apprendre à parler ou à écrire la langue chinoise et toute autre langue ou dialecte usité dans l'empire, comme aussi de se faire aider par eux, soit pour leurs écritures, soit pour des travaux scientifiques ou littéraires. Ils pourront également enseigner à tout sujet chinois la langue de leur pays ou des langues étrangères, et vendre sans obstacles des livres français ou acheter eux-mêmes toutes sortes de livres chinois.

French property shall be inviolable; no French ship can be put under embargo, or claimed for any service by the Chinese authorities.

ART. XII.—Les propriétés des toute nature appartenant à des français dans l'empire chinois seront considérées par les chinois comme inviolables, et seront toujours respectées par eux. Les autorités chinoises ne pourront, quoiqn'il arrive, mettre embargo sur les navires français ni les frapper de réquisition, pour quelque service, public ou privé, que ce puisse être.

The Christian religion, teachers, and converts to be protected.

ART. XIII.—La religion Chrétienne ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes les communions Chrétiennes jouiront d'une entière sécurité pour leurs personnes, leurs propriétés, et le libre exercice de leurs pratiques religieuses, et uue protection efficace sera donnée aux missionnaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passeport réguliers dont il est parlé dans l'article VIII.

Aucune entrave ne sera apportée par les autorités de l'empire chinois au droit qui est reconnu à tout individu en Chine d'embrasser, s'il le veut, le Christianisme et d'en suivre les pratiques sans être passible d'aucune peine infligée pour ce fait.

Tout ce qui a été précédement écrit, proclamé ou publié en Chine par ordre du gouvernement contre le culte Chrétien, est complétement abrogé, et reste sans valeur dans troutes les provinces de l'empire.

All trade monopolies to be abolished and prohibited henceforward.

ART. XIV,—Aucune société de commerce privilégiée ne pourra désormais s'établir en Chine, et il en sera de même de toute coalition organisée dans le but d'exercer un monopole sur le commerce. En cas de contravention au présent Article, les autorités chinoises, sur les représentations du consul ou de l'agent consulaire, aviseront aux moyens de dissoudre de semblables associations, dont elles s'efforceront d'ailleurs de prévenir l'existence par des prohibitions préalables, afin d'écarter tout ce qui pourrait porter atteinte à libre concurrence.

Pilots may be freely engaged;

AYT. XV.—Lorsqu'un bâtiment français arrivera dans les eaux de l'un des ports ouverts au commerce étranger, il aura la faculté d'engager tel pilote qui lui conviendra pour se faire couduire immédiatement dans le porte, et de même, quand aprés avoir acquitté toutes les charges légales, il sera prêt à mettre à la voile, on ne pourra pas lui refuser des pilotes pour le sortir du port sans retard ni délai.

Tout individu qui voudra exercer la profession de pilot pour les bâtiments français pourra, sur la présentation de trois certificats de capitaines de navires, être commissionné par le consul de France de la même manière que cela se pratiguerait pour d'autres nations.

Their pay and appointment.

La rétribution payée aux pilotes sera réglée selon l'équité pour chaque port en particulier, par le consul ou l'agent consulaire, lequel la fixera convenablement en raison de la distance et des circonstances de la navigation.

Customs' officers will board and guard French ship on her arrival. No fees allowed.

ART. XVI.—Dés que le pilote aura introduit un navire de commerce français dans le port, le chef de la douane délèguera un ou deux préposés pour surveiller le navire et empêcher qu'il ne se pratique aucune fraude. Ces prèposès pourront, selon leurs convenances, reste dans leur propre bâteau ou se tenir à bord du bâtiment.

Les frais de leur sold, de leur nourriture, et de leur entretien, seront à la charge de la douane chinoise, et ils ne pourront exiger aucune indemnitè ou rétribution quelconque des capitaines ou consignataires. Toute contravention à cette disposition entrainera une punition proportionnelle au montant de l'exaction, laquelle sera, en outre, inté gralement restituée.

Ship's papers to be lodged with Consul, so that he may report to Superintendent of Customs.

ART. XVII.—Dans les vingt-quatre heures qui suivront l'arrivée d'un navire de commerce français dans l'un des ports ouverts au commerce étranger, le capitaine, s'il n'est dûment empêché, et à son défaut le subrécargue ou le consignataire, devra se rendre au consulat de France et remettre entre les mains du consul les papiers de bord, les connaissements, et le manifeste. Dans les vingt-quatre heures suivantes le consul enverra au chef de la douane une note détaillée indiquant le nom du navire, le rôle d'équipage,le tonnage légal du bâtiment, et la nature de son chargement; si, par suite de la négligence du capitaine, cette dernière formalité n'avait pas pu être accomplie dans le quarante-huit heures qui suivront l'arrivée du navire, le capitaine sera passible d'une amende de 50 piastres par jour de retard, au profit du gouvernement chinois; la dite amende toutefois ne pourra dépasser la somme de 200 piastres.

Fine for delay. Permit to open hatches; penalty for discharging without permit.

Aussitot aprés la réception de la note transmise par le consulat, le chef de la douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'avoir reçu le permis précité, avait ouvert sa cale et commencé à décharger, il pourra être condamné à une amende de 500 piastres, et les

marchandises débarquées pourront être saisies, le tout au profit du gouvernement chinois.

There shall be no monopoly or restrictions as to cargo-boats and porters.

ART. XVIII.—Les capitaines et négociants français pourront louer telle espéce d'allèges et d'embarcations qu'il leur plaira pour transporter des marchandises et des passagers, et la rétribution à payer pour ces allèges sera réglée de gré à gré par les parties intéressées, sans l'intervention de l'autorité chinoise, et, par consequent, sans sa garantie en cas d'accident, de fraude, ou de disparition des dites allèges. Le nombre n'en sera pas limité et le monopole n'en pourra être concédé à qui que ce soit, nom plus que celui du transport par portefaix des marchandises à embarquer.

Permits for shipping and landing goods.

ART. XIX.—Toutes les fois qu'un négociant français aura des marchandises à embarquer, ou à débarquer il devra d'abord en remettre la note détaillée au consul ou agent consulaire, qui chargera immédiatement un interprète reconnu du consulat d'en donner communication au chef de la douane. Celui-ci délivrera sur le champ un permis d'embarquement ou de débarquement. Il sera alors procédé à la vérification des marchandises dans la forme la plus convenable pour qu'il n'y ait chance de perte pour aucune des parties.

Le négociant français devra se faire représenter sur le lieu de la vérification (s'il ne préfère y assister lui-même) par une personne réunissant les qualitiés requises à l'effet de veiller à ses intérêts au moment où il sera procédé à cette vérification pour la liquidation des droits, faute de quoi toute réclamation ultérieure restera nulle et non avenue.

Mode of fixing value of goods subject to an *ad valorem* duty.

En ce qui concerne les marchandises taxées *ad valorem*, si le négociant ne peut tomber d'accord avec l'employé chinois sur la valeur à fixer, chaque partie appellera deux ou trois négociants chargés d'examiner les marchandises, et le prix le plus élevé qui sera offert par l'un d'eux sera réputé constituer la valeur réelle des dites marchandises.

Duty charged on net weight;

Les droits seront prélevés sur le poids net: on déduira en conséquence le poids des emballages et contenants.

Mode of settling tare.

Si le négociants français ne peut s'entendre avec l'employé chinois sur la fixation de la tare, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis objets du litige; ils seront d'abord pesés brut, puis tarés ensuite et la tare moyenne des collis pesés servira de tare pour tout les autres.

Adjustment of disputes between Customs officers and merchants Reduction of duty on damaged goods; how settled.

Si pendant le cours de la vérification, il sélève quelque difficulté qui ne puisse être résolue, le négociant français pourra réclamer l'intervention du Consul, lequel portera sur le champ l'object de la contestation à la connaissance du chef des douanes, et tous deux s'efforceront d'arriver à un arrangement aimable; mais la réclamation devra avoir lieu dans les vingt-quatre heures; sinon, il n'y sera pas donné suite. Tant que le résultat de la contestation restera pendant, le chef de la douane n'en portera pas l'objet sur ses livres, laissant ainsi toute latitude pour l'examen et la solution de la difficulté.

Les marchandises importées qui auraient éprouvé des avaries jouiront d'une réduction de droits proportionnelle à leur dépréciation. Celle-ci sera determinée équitablement et s'il le faut par expertise contradictoire, ainsi qu'il a été stipulé plus haut pour la fixation des droits *ad valorem*.

A French ship, if she has not taken a permit to open hatches, may depart within two days from her arrival without paying Tonnage Dues or Customs Dues,

ART. XX.—Tout bâtiment entré dans l'un des ports de la Chine, et qui n'a point encore levé le permis de débarquement mentionné dans l'article XIX, pourra, dans le deux jours de son arrivée, quitter ce port et se rendre dans un autre port sans avoir à payer ni droits de tonnage, ni droits de douane, attendu qu'il les acquittera ultérieurement dans le port où il effectuera la vente de ses marchandises.

ART. XXI.—Il est établi, de commun accord, que les droits d'importation seront acquittés par les capitaines ou négociants français au fur et à mesure du débarquement des marchandises et après leur vérification. Les droits d'exportation le seront de la même manière lors de l'embarquement. Lorsque les droits de tonnage et de douane dûs par un bâtiment français auront été intégralement acquittés, le chef de la douane délivrera une quittance générale sur l'exhibition de laquelle le consul rendra ses papiers de bord au capitaine, et lui permettra de mettre à la voile. Le chef de la douane designera une ou plusieurs maisons de change, qui seront autorisées à recevoir la somme due par les négociants français, au compte du gouvernement, et les récepissés de ces maisons de change, pour tous les paiements, qui leur auront été faits, seront réputés acquits du gouvernement chinois. Ces paiements pourront s'effectuer soit en lingots, soit en monnaies étrangères dont le rapport avec l'agent sycé sera déterminé de commun accord entre le consul ou agent consulaire et le chef de la douane dans les différents ports, suivant le temps, le lieu, et les circonstances.

Import duties are payable on discharge. Export duties on shipment of goods. When all duties are paid Port Clearance will be given. Duties to be paid into authorised banks. Payments may be made in sycee or in foreign coin,

ART. XXII.—*Après l'expiration des deux jours mentionnés dans l'Article XX, et avant de procéder au déchargement, chaque bâtiment de commerce français acquittera intégralement les droits de tonnage ainsi réglés : pour les navires de 150 tonneaux de la jauge légale et au-dessus, à raison de cinq maces (½ taël) par tonneau ; pour les navires jaugeant moins de 150 tonneaux, à raison d'un mace ($\frac{1}{10}$e de taël) par tonneau ; toutes les rétributions et surcharges additionnelles antérieurement imposées à l'arrivée et au départ sont expressément supprimées, et ne pourront être remplacées par aucune autre.*

Tonnage Dues payable by ship two days in port. Rate of Tonnage Dues. Certificates of exemption therefrom. Boats carrying passengers or duty-free articles exempt from Tonnage Dues.

Lors du paiement du droit précité, le chef de la douane délivrera au capitaine, ou au consignataire, un reçu en forme de certificat constatant que le droit de tonnage a été intégralement acquitté, et sur l'exhibition de ce certificat au chef de la douane de tout autre port où il lui conviendrait de se rendre, le capitaine sera dispensé de payer de nouveau pour son bâtiment le droit de tonnage ; tout navire français ne devant en être passible qu'une seule fois, à chacun de ses voyages d'un pays étranger en Chine.

Sont exemptés des droits de tonnage les barques, goëlettes, bateaux caboteurs, et autres embarcations françaises, pontées ou non, employées au transport de passagers, bagages, lettres, comestibles, et généralement de tous objets non sujets aux droits ; si les dites embarcations transportaient en outre des marchandises, elles resteraient dans la catégorie des navires jaugeant moins de 150 tonneaux, et paieraient à raison de $\frac{1}{10}$e de taël (1 mace) par tonneau.

*Les négociants français pourront toujours affréter des jonques et autres embarcations chinoises, lesquelles ne seront soumises à aucun droit de tonnage.**

ART. XXIII.—Toutes marchandises françaises, après avoir acquitté dans l'un des ports de la Chine les droits de douane liquidés d'après le

Duty paid imports to receive transit privileges. Present transit dues shall not be increased.

(*) The above article amended by agreement with the Plenipotentiary of France, M. de Bellonet, in September, 1865. The following is the Article substituted in its place :—

Art. XXII.—After the expiration of the two days named in Art. XX, and before proceeding to discharge her cargo every vessel shall pay tonnage-dues according to the following scale :—vessels of one hundred and fifty tons and upwards at the rate of four mace per ton ; vessels of less than one hundred and fifty tons measurement at the rate of one mace per ton.

Any vessel clearing from any of the open ports of China for any other of the open ports, or trading between China and such ports in Cochin-China as belong to France, or any port in Japan, shall be entitled, on application of the master, to

tarif, pourront être transportés dans l'intérieur sans avoir à subir aucune autre charge supplémentaire que le paiement des droits de transit suivant le taux modéré actuellement en vigueur, lesquels droits ne seront susceptibles d'aucune augmentation future.

Illegal exactions by Customs' officers to be punished.

Si des agents de la douane chinoise, contrairement à la teneur du présent traité, exigeaient des rétributions illégales, ou prèlevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire.

ART. XXIV.—Tout navire français entré dans l'un des ports ouverts au commerce étranger, et qui voudra n'y décharger qu'une partie de ses marchandises, ne paiera les droits de douane que pour la partie débarquée ; il pourra transporter le reste de sa cargaison dans un autre port et l'y vendre. Les droits seront alors acquittés.

Duty-paid imports may be re-exported and imported into another Chinese port without repaying import duty. In case of fraud the goods will be confiscated.

Dans le cas où des français, après avoir acquitté dans un port les droits sur des marchandises, voudraient les ré-exporter et aller les vendre dans un autre port, ils en préviendraient le consul ou agent consulaire. Celui-ci de son côté en informera le chef de la douane, lequel, après avoir constaté l'identité de la marchandise et la parfaite intégrité des colis, remettra aux réclamants une déclaration attestante que les droits afférents aux dites marchandises ont été effectivement acquittés. Muni de cette déclaration les négociants français n'auront à leur arrivée dans l'autre port qu'à la présenter par l'entremise du consul ou chef de la douane, qui délivrera pour cette partie de la cargaison, sans retard et sans frais, une permis de débarquement en franchise de droits ; mais si l'autorité découvrait de la fraude ou de la contrebande parmi les marchandises ainsi ré-exportées, celles-ci seraient, après vérification, confisquées au profit du gouvernement chinois.

Goods transhipped without a special permit will be confiscated, except in case of danger arising through delay.

ART. XXV.—Aucun transbordement de marchandises ne pourra avoir lieu que sur permis spécial et dans un cas d'urgence ; s'il devient indispensable d'effectuer cette opération, il devra en être référé au consul, qui délivrera un certificat, sur le vu duquel le transbordement sera autorisé par le chef de la douane. Celui-ci pourra toujours déléguer un employé de son administration pour y assister.

Tout transbordement non autorisé, sauf le cas de péril en la demeure, entrainera la confiscation, au profit du gouvernement chinois, de la totalité des marchandises illicitement transbordées.

Superintendent of Customs will deliver to Consul standards of weight and measure.

ART. XXVI.—Dans chacun des ports ouverts au commerce étranger le chef de la douane recevra pour lui-même, et déposera au Consulat Français, des balances légales pour les marchandises et pour l'argent, ainsi que des poids et des mesures exactement conformes aux poids et aux mesures en usage à la douane de Canton, et revêtus d'une estampille et d'un cachet constatant cette conformité. Ces étalons seront la base de toutes les liquidations de droits, et de tous les paiements à faire au gouvernement Chinois. On y aura recours en cas de contestation sur le poids et la mesure des marchandises, et il sera statué d'après les résultats qu'ils auront donnés.

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a special certificate from the Superintendent of Customs, on exhibition of which the said vessel shall be exempted from all further payment of tonnage-dues in any open port of China for a period of four months, to be reckoned from the date of her port-clearance ; but after the expiration of four months she shall be required to pay tonnage-dues again.

Small French vessels and boats of every class, whether with or without sails, shall be reckoned as coming within the category of vessels of one hundred and fifty tons and under, and shall pay tonnage-dues at the rate of one mace per ton once in every four months.

Native craft chartered by French merchants shall in like manner pay tonnage-dues once in every four months.

ART. XXVII.—Les droits d'importation et d'exportation prélevés en Chine sur le commerce français seront réglés conformément au tarif annexé au présent traité, sous le sceau et la signature des plenipotentiaires respectifs. Ce tarif pourra être revisé de sept en sept années, pour être mis en harmonie avec les changements de valeur apportés par le temps sur les produits du sol et de l'industrie des deux empires.

Customs' Dues to be regulated by Tariff annexed, which may be revised every 7 years. French subjects to be on the footing of the most favoured nation.

Moyennant l'acquit de ces droits, dont il est expressément interdit d'augmenter le montant, et que ne pourront aggraver aucune espèce de charge ou de surtaxe quelconque, les français seront libres d'importer en Chine, des ports français ou étrangers, et d'exporter également de Chine pour toute destination, toutes les marchandises qui ne seraient pas, au jour de la signature du présent traité, et d'après la classification du tarif ci-annexé, l'objet d'une prohibition formelle ou d'un monopole spécial. Le gouvernement chinois renonçant à la faculté d'augmenter par la suite le nombre des articles réputés contreband ou monopole, aucune modification ne pourra être apportée au tarif qu'après une entente préalable avec le gouvernement français et de son plein et entier consentement.

No description of charge or differential duty to be added to the duties levied according to tariff. No addition to be made to list of contraband articles.

A l'égard du tarif aussi bien que pour toute stipulation introduite ou à introduire dans les traités existants, ou que seraient ultérieurement conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens français en Chine, auront droit toujours et partout au traitement de la nation la plus favorisée.

ART. XXVIII.—La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrabande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtiments de commerce français dans les ports de la Chine. S'il en était autrement, toute marchandise introduite en contrebande par des navires ou par des négociants français dans ces ports, quelle que soit d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée débarquée frauduleusement, seront saisies par l'autorité locale et confisquées au profit du gouvernement chinois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine au bâtiment surpris en contravention et le contraindre à partir aussitôt aprés l'apuration de ces comptes.

Ships smuggling goods may be prevented from trading and the goods will be confiscated.

Si quelque navire étranger se couvrait frauduleusement du pavillon de la France, le gouvernement français prendrait les measures nécessaires pour la répression de cet abus.

ART. XXIX.—Sa Majesté l'Empereur des Français pourra faire stationner un bâtiment de guerre dans les ports principaux de l'empire, où sa présence serait jugée necessaire pour maintenir le bon ordre et la discipline parmi les équipages des navires marchands et faciliter l'exercice de l'autorité consulaire; toutes les mesures nécessaires seraient prises pour que la présence de ces navires de guerre n'entrainât aucun inconvénient, et leurs commandants recevraient l'ordre de faire exécuter les dispositions stipulées dans l'article XXXIII, par rapport aux communications avec la terre et à la police des équipages. Les bâtiments de guerre ne seront assujettis à aucun droit.

French vessels of war may be stationed at the principal ports;

and may visit any port in China for the purpose of refitting, etc.,

ART. XXX.—Tout bâtiment de guerre français croisant pour la protection du commerce sera reçu en ami et traité comme tel dans tous les ports de la Chine oú il se présentera. Ces bâtiments pourront s'y procurer les divers objets de rechange et de revitaillement dont ils auraient besoin, et s'ils ont fait des avaries, les réparer et acheter dans ce but les matériaux nécessaires, le tout sans la moindre opposition.

Merchant ships wrecked on the coast or seeking refuge in any Chinese port shall be assisted by Chinese authorities.

Il en sera de même à l'egard de navires de commerce français qui, par suite d'avaries majeures ou pour toute autre cause, seraient contraints de chercher refuge dans un port quelconque de la Chine.

Si quelqu'un de ces bâtiments venait à se perdre sur la côte, l'autorité chinoise la plus proche, dès qu'elle en serait informée, porterait sur le champ assistance à l'équipage, pourvoierait à ses premiers besoins, et prendrait les mesures d'urgence nécessaires pour le sauvetage du navire et la préservation des marchandises. Puis, elle porterait le tout à la connaissance de consul ou agent consulaire le plus à portée du sinistre, pour que celui-ci, de concert avec l'autorité compétente, put aviser aux moyens de rapatrier l'équipage et de sauver les débris du navire et de la cargaison.

If China be at war with any other power, the trade of France with either shall not be interrupted except by an effective blockade.

ART. XXXI.—Daus le cas oú, par la suite des temps, la Chine entrerait en guerre avec une autre puissance, cette circonstance ne porterait aucune atteinte au libre commerce de la France avec la Chine ou avec la nation ennemie. Les navires français pourraient toujours, sauf les cas de blocus effectif, circuler sans obstacle des ports de l'une aux ports de l'autre, et trafiquer comme à l'ordinaire, et y importer ou en exporter toute espéce de marchandises non prohibées.

French and Chinese authorities will respectively search for and deliver up Chinese or French deserters or criminals.

ART. XXXII.—S'il arrive que des matelots ou autres individus désertent des bâtiments de guerre, ou s'evadent des navires de commerce français, l'autorité chinoise, sur la réquisition du consul, ou à son défaut du capitaine, fera tous ses efforts pour découvrir et restituer sur le champ entre les mains de l'un ou de l'autre les susdits déserteurs ou fugitifs.

Pareillement si des chinois déserteurs ou prévenus de quelque crime vont se réfugier dans des maisons françaises ou à bord de navires appartenant à des français, l'autorité locale s'adressera au consul, qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour que leur extradition soit effectuée. De part et d'autre on évitera soigneusement tout recel et toute connivance.

Sailors on shore will be under regulations made by Consul and local authorities.

ART. XXXIII.—Quand des matelots descendront à terre ils seront soumis à des réglements de discipline spéciale qui seront arrêtés par le consul et communiqués à l'autorité locale, de manière à prevenir, autant que possible, toute occasion de querelle entre les marins français et les gens du pays.

The Chinese authorities will endeavour to arrest and punish pirates attacking French ships and to restore the property stolen, Penalties to be inflicted for neglect.

ART. XXXIV.—Dans le cas oú des navires de commerce français seraient attaqués ou pillés par des pirates dans des parages dépendants de la Chine, l'authorité civile et militaire du lieu de plus rapproché, des qu'elle aura connaissance du fait, en poursuivra activement les auteurs et ne négligera rien pour qu'ils soient arrêtés et punis conformément aux lois. Les marchandises enlevées, en quelque lieu et dans quelqu'état qu'elles se trouvent, seront remises entre les mains du consul, qui se chargera de les restituer aux ayant-droit. Si l'on ne peut s'emparer des coupables ni recouvrer la totalité des object volés, les fonctionnaires chinois subiront la peine infligée par la loi en pareille occasion, mais ils ne sauraient être rendus pécuniairement responsibles.

Mode of settling disputes between French and Chinese subjects.

ART. XXXV.—Lorsqu'un sujet français aura quelque motif de plainte ou quelque réclamation à formuler contre un chinois, il devra d'abord exposer ses griefs au consul, qui, après avoir examiné l'affaire, s'efforcera de l'arranger à l'amiable. De même quand un chinois aura à se plaindre d'un français, le consul écoutera sa réclamation avec intèrêt, et cherchera à ménager un arrangement à l'amiable. Mais si dans l'un ou l'autre cas la chose était impossible, le consul requerra l'assistance dn

fonctionnaire chinois competent, et tous deux, après avoir examiné conjointement l'affaire, statueront suivant l'équité.

Chinese authorities shall protect French subjects and property from insult and injury and bring offenders to justice.

ART. XXXVI.—Si dorénavant des citoyens français éprouvaient quelque dommage, ou s'ils étaient l'objet de quelque insulte ou vexation de la part de sujets chinois, ceux-ci seront poursuivis par l'autorité locale, qui prendra les mesures nécessaires pour la défence et la protection des français; à bien plus forte raison, si des malfaiteurs ou quelque partie égarée de la population tentaient de piller, de détruire, ou d'incendier les maisons, les magasins des français ou tout autre établissement formé par eux, la même autorité, soit à la réquisition du consul, soit de son proper mouvement, enverrait en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables, et les livrer à toute la sévérité des lois; le tout sans préjudice des poursuites à exercer par qui de droit pour indemnisation des pertes éprouvées.

French and Chinese authorities will endeavour to bring to justice absconding debtors, subjects of their respective countries. Neither Government responsible for debts.

ART. XXXVII.—Si des chinois, à l'avenir, deviennent débiteurs de capitaines ou de négociants français, et leur font éprouver des pertes par fraude ou de toute autre manière, ceux-ci n'auront plus à se prévaloir de la solidarité qui résultait de l'ancien état de choses; ils pourront seulement s'adresser par l'entremise de leurs consuls à l'autorité locale, qui ne négligera rien, après avoir examiné l'affaire, pour contraindre les prévenus à satisfaire leurs engagements suivant la loi du pays. Mais, si le débiteur ne peut être retrouvé, s'il est mort, ou en faillite, et s'il ne reste rien pour payer, les négociants français ne pourront point appeler l'autorité chinoise en garantie.

En cas de fraude ou de non-paiement de la part des négociants français, le consul prêtera de la même manière assistance aux réclamants, sans que toutefois ni lui ni son gouvernement puissent en aucune manière être rendus responsables.

French criminals in China will be punished by French Consuls; Chinese criminals by Chinese authorities.

ART. XXXVIII.—Si malheureusement il s'élevait quelque rixe ou quelque querelle entre français et des chinois, comme aussi dans le cas ou durant le cours d'une semblable querelle un ou plusieurs individus étaient tués ou blessés, soit par des coups de feu, soit autrement, les chinois seront arrêtés par l'autorité chinoise, qui se chargera de les faire examiner et punir, s'il y a lieu, conformément aux lois du pays. Quant aux français ils seront arrêtés à la diligence du consul, et celui-ci prendra toutes les mesures nécessaires pour que les prévenus soient livrés à la action régulière des lois français dans la forme et suivant les dispositions qui seront ulterieurement déterminées par le gouvernment français.

Il en sera de même en toute circonstance analogue et non prévue dans la présente Convention, le principe étant que pour la répression des crimes et délits commis par eux en Chine, les français seront constamment régis par les lois françaises.

Disputes between French subjects How to be settled. Chinese authorities will not interfere.

ART. XXXIX.—Les français en Chine dépendront également pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux de la juridication française. En cas de différends survenus entre français et étrangers, il est bien stipulé que l'autorité chinoise n'aura à s'en mêler en aucune manière. Elle n'aura pareillement à exercer aucune action sur les navires français: ceux-ci ne relèveront que de l'autorité française et du capitaine.

This Treaty may be revised after ten years from exchange of ratifications. Consuls, etc. to be subject to no.

ART. XI.—Si dorénavant le gouvernement de Sa Majesté l'Empereur des Français jugeait convenable d'apporter des modifications à quelques-unes des clauses du présent traité, il sera libre d'ouvrir à cet effet des négociations avec le gouvernement chinois après un intervalle de dix années révolues, à partir de l'échange des ratifications. Il est

obligation not expressed in Tariff. French subjects to enjoy immunities granted to other foreigners.

d'ailleurs entendu que toute obligation non consignée expressément dans la présente convention ne saura être imposée aux consuls ou aux agents consulaires non plus qu'à leurs nationaux, tandis que, comme il a été stipulé les français jouiront de tous les droits, privilèges, immunités et garanties quelconques qui auraient été ou qui seraient accordés par le gouvernement chinois à d'autres puissances.

Matters antecedent to events at Canton and expenses caused by them to be treated of in a separate article.

ART. XLI.—Sa Majesté l'Empereur des Français voulant donner à Sa Majesté l'Empereur de la Chine une preuve de ses sentiments, consent à stipuler dans des Articles Séparés, ayant la même force et teneur que s'ils étaient inscrits textuellement au présent traité, les arrangements convenus entre les deux gouvernements au sujet des questions antérieures aux événements de Canton et aux frais qu'ils ont occasionés au gouvernement de Sa Majesté l'Empereur des Français.

Exchange of ratifications.

ART. XLII et dernier.—Les ratifications du présent traité d'amitié, de commerce, et de navigation seront échangées à Pekin dans l'intervalle d'un an, à partir du jour de la signature, ou plus tôt si faire si peut, par Sa Majesté l'Empereur des Français et par Sa Majesté l'Empereur de la Chine.

Publication of Treaty.

Après l'échange de ces ratifications, le traité sera porté à la connaissance de toutes les autorités superieures de l'empire dans les provinces et dans la capitale, afin que sa publication soit bien établie.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent traité, et y ont apposé leurs cachets.

27th June, 1858.

Fait à Tientsin, en quatre expéditions, le vingt-septième jour du mois de Juin, de l'an de grâce mil huit cent cinquante-huit, correspondant au dix-septième jour de la cinquième lune de la huitième année de Hien Fung.

[L.S.] (Signé) BARON GROS.
[L.S.] (Signé) KWEI-LIANG.
[L.S.] (Signé) HUOA-CHA-NA.

Articles Séparés et Secrets servant de complément au Traité conclu entre Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, à Tientsin, dans la Province de Tcheli, le 27 Juin, 1858.

The murderer of the missionary Chapdelaine to be degraded; the execution of whom will be publicly proclaimed and officially announced to French Minister.

ART. I.—Le Magistrat de Si-lin Hien, coupable du meurtre du missionnaire français, Auguste Chapdelaine, sera dégradé et déclaré incapable d'exercer désormais aucun emploi.

ART. II.—Une communication officielle adressée à son Excellence M. le Ministre de France en Chine lui annoncera l'exécution de cette mesure, qui sera rendue publique et motivée convenablement dans la Gazette de Pekin.

ART. III.—Une indemnité sera donnée aux français et aux protégés de la France, dont les propriétés ont été pillées ou incendiées par la populace de Canton avant la prise de cette ville par les troupes alliées de la France et de l'Angleterre. Cette indemnité sera répartie entre eux au prorata de leurs pertes. Indemnity for losses at Canton to French subjects or others under French protection.

ART. IV.—Les dépenses occasionnées par les armements considérables qu'ont motivés les refus obstinés des autorités chinoises d'accorder à la France les réparations et les indemnités qu'elle a réclamées, seront payées au gouvernement de Sa Majesté l'Empereur des Français par les caisses de la douane de la ville de Canton. Payment of French Military expenditure at Canton, and indemnities.

Ces indemnités et ces frais d'armement s'élevant à peu près à une somme de deux millions de taëls (Tls. 2,000,000), cette somme sera versée entre les mains du Ministre de France en Chine, qui en donnera quittance. Cette somme de deux millions de taëls sera payée à son Excellence M. le Ministre de France en Chine par sixièmes valables d'année en année, et pendant six ans, par la caisse des douanes de Canton ; elle pourra l'être, soit en numéraire, soit en bons de douane qui seront reçus par cette administration en paiement des droits d'exportation et d'importation, et pour un dixième seulement de la somme qu'on aurait à lui payer, c'est-à-dire, que si un négociant doit à la douane de Canton une somme de dix mille taëls, par exemple, pour droits d'importation ou d'exportation, il pourra en payer neuf mille en espèce et mille en bons dont il s'agit.

Le premier sixième sera payé dans le cours de l'année qui suivra la signature du présent traité, à compter du jour où elle aura en lieu.

La douane de Canton pourra, si elle le veut, ne recevoir chaque année en paiement de droits que le sixième de bons émis, c'est-à-dire, pour une somme de 333,333 taëls $\frac{34}{100}$. Une Commission mixte nommée à Canton par l'autorité chinoise et par M. le Ministre de France, fixera d'avance le mode d'émission de ces bons et les réglements qui en détermineront la forme, la valeur, et le mode de destruction, dès qu'ils auront servi.

ART. V.—L'évacuation de Canton par les troupes françaises s'effectuera aussitôt que possible après le paiement intégral de la somme de deux millions de taëls stipulée ci-dessus ; mais pour hâter la retraite de ces troupes, ces bons de douanes pourront être émis d'avance par séries de six années et déposés dans la Chancellerie de la Légation de France en Chine. Condition of French military evacuation of Canton.

ART. VI.—Les articles ci-dessus auront la même force et valeur que s'ils étaient inscrits mot à mot dans le traité dont ils forment parties, et les Plénipotentiaires respectifs les ont signés, etc. These separate Articles to have same force as if included in Treaty.

Fait à Tientsin, le 27 Juin, 1858.

CONVENTION BETWEEN THE EMPEROR OF THE FRENCH AND THE EMPEROR OF CHINA.

Signed at Peking, 25th October, 1860.

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, voulant mettre un terme au différence qui s'est élevé entre les deux empires, et rétablir et assurer à jamais les relations de paix et d'amitié qui existaient entre eux et que les regrettables événements ont interrompues, ont nommé pour leurs Plenipotentiaires respectifs, savoir :

Plenipotentiaries.

Baron Gros.

Sa Majesté l'Empereur des Français, le Sieur Jean Baptiste Louis, Baron Gros, Sénateur de l'Empire, Ambassadeur et Haut Commissaire de France en Chine, Grand Officer de l'Ordre Impérial de la Légion d'Honneur, Chevalier Grand-Croix de plusieurs Ordres, etc., etc., etc.;

Prince of Kung

Et Sa Majesté l'Empereur de la Chine, le Prince de Kong, membre de la famille Impériale et Haut Commissaire;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:—

Apology for the attack at Taku

ART. I.—Sa Majesté l'Empereur de la Chine a vu avec peine la conduite que les autorités militaires chinoises ont tenue à l'embouchure de la rivière de Tientsin, dans le mois de juin de l'année dernière, au moment où les Ministres Plénipotentiaires de France et d'Angleterre s'y présentaient pour se rendre à Péking, afin d'y procéder à l'échange des ratifications des Traités de Tientsin.

Respect and facilities to be accorded to French Ambassador at Peking.

ART. II.—Lorsque l'Ambassadeur, Haut Commissaire de sa Majesté l'Empereur des Français, se trouvera dans Péking pour y procéder à l'échange des ratifications du Traité de Tientsin, il sera traité pendant son séjour dans la capitale avec les honneurs dus a son rang, et toutes les facilités possibles lui seront données par les autorités chinoises pour qu'il puisse remplir sans obstacle la haute mission qui lui est confiée.

Treaty of 1858 to be put into operation.

ART. III.—Le traité signé à Tientsin, le vingt-sept juin, mil huit cent cinquante-huit, sera fidèlement mis à l'execution dans toutes ses clauses, immédiatement après l'échange des ratifications dont il est parlé dans l'article précédent, sauf, bien entendu, les modifications que peut y apporter la présente Convention.

Indemnity fixed at Taels 8,000,000 in lieu of previous arrangement.

ART. IV.—L'Article IV du Traité Secret de Tientsin par lequel Sa Majesté l'Empereur de la Chine s'engage à faire payer au gouvernement français une indemnité de deux millions de taëls, est annulé et remplacé par le présent article, qui élève à la somme de huit millions de taëls le montant de cette indemnité.

Il est convenu que les sommes déjà payées par la douane de Canton à compte sur la somme de deux millions de taëls stipulée par le Traité de Tientsin seront considérées comme ayant été payées d'avance et à compte sur les huit millions de taëls dont il est question dans cet article.

Les dispositions prises dans l'article du Traité Secret de Tientsin sur le mode de paiement établi au subject des deux millions de taëls sont annulés. Le montant de la somme qui reste à payer par le gouvernement chinois sur les huit millions de taëls stipulés par la présente

Convention le sera en y affectant le cinquième des revenus bruts des douanes des ports ouverts au commerce étranger, et de trois mois en trois mois, le premier terme commençant au premier octobre de cette année et finissant au trente-et-un décembre suivant. Cette somme, spécialement réservé pour le paiement de l'indemnité due à la France, sera comptée en piastres mexicaines ou en argent sycé, au cours du jour du paiement, entre les mains du Ministre de France ou de ses délégués.

Une somme de cinq cent mille taëls sera payée cependant à compte d'avance, en une seule fois, et à Tientsin, le trente novembre prochain, ou plus tôt si le gouvernement chinois le juge convenable.

Une Commission mixte, nommé par le Ministre de France et par les autorités chinoises, déterminera les règles à suivre pour effectuer les paiements de toute l'indemnité, en vérifier le montant, en donner quittance, et remplir enfin toutes les formalités que la comptabilité exige en pareil cas.

Indemnity—distribution of.

ART. V.—La somme de huit millions de taëls est allouée au gouvernement français pour l'indemniser des dépenses que ses armements contre la Chine l'ont obligé de faire, comme aussi pour dédommager les français et les protégés de la France qui ont été spoliés lors de l'incendie des factoreries de Canton, et indemniser aussi les missionnaires Catholiques qui ont souffert dans leurs personnes ou leurs propriétés. Le gouvernement français repartira cette somme entre les parties intéressées dont les droits ont été légalement établis devant lui, et un raison de ces mêmes droits, et il est convenu entre les Parties Contractantes que un million de taëls sera destiné à indemniser les sujets français ou protéges par la France, des pertes qu'ils ont éprouvées ou des traitements qu'ils ont subis, et que les sept millions de taëls restant seront affectés aux dépenses occasionnées par la guerre.

Religious establishments which have been confiscated to be restored.

ART. VI.—Conformément à l'Edit Impérial rendu le vingt mars, mil huit cent quarante-six, par l'auguste Empereur Tao-Kouang, les établissements religieux et de bienfaisance qui ont été confisquées aux Chrétiens pendant les persécutions dont ils ont été les victimes, seront rendus à leurs proprietaires par l'entremise du Ministre de France en Chine, auquel le gouvernement Impérial les fera délivrer, avec les cimetière et les autres édifices qui en dépendaient.*

Tientsin opened to trade.

ART. VII.—La ville et le port de Tientsin, dans le province de Petchéli, seront ouvertes au commerce étranger aux mêmes conditions que le sont les autres villes et ports de l'empire où ce commerce est permis, et cela à dater du jour de la signature de la présente Convention, qui sera obligatoire pour les deux nations sans qu'il soit nécessaire d'en échanger les ratifications, et qui aura même force et valeur que si elle était inserée, mot à mot, dans le Traité de Tientsin.

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* The following is the translation of the Chinese text of the above article:—

ART. VI. It shall be promulgated throughout the length and breadth of the land, in the terms of the Imperial Edict of the 20th February, 1846, that it is permitted to all people in all parts of China to propagate and practice the "teachings of the Lord of Heaven," to meet together for the preaching of the doctrine, to build churches and to worship; further, all such as indiscriminately arrest [Christians] shall be duly punished; and such churches, schools, cemeteries, lands, and buildings, as were owned on former occasions by persecuted Christians shall be paid for, and the money handed to the French Representative at Peking, for transmission to the Christians in the localities concerned. It is, in addition, permitted to French Missionaries to rent and purchase land in all the provinces, and to erect buildings thereon at pleasure.

Evacuation of Tientsin. Taku and north coast of Shantung occupied.

Les troupes françaises qui occupent cette ville, après le paiement des cinq cent mille taëls dont il est question dans l'Article IV de la présente Convention, pourront l'évacuer pour aller s'établir à Ta-kou et sur la côte nord du Shang-tong, d'où elles se retireront ensuite dans les mêmes conditions que présideront à l'évacuation des autres points qu'elles occupent sur le littoral de l'empire. Les Commandants-en-chef des forces françaises auront cependant le droit de faire hiverner leurs troupes de toutes armes à Tientsin, s'ils jugent convenable, et de ne les en retirer qu'au moment où les indemnités dues par le gouvernement chinois auraient été entièrement payées, à moins cependant qu'il ne convienne aux Commandants-en-chef de les en faire partir avant cette époque.

Occupation of various points until completion of Indemnity payments.

ART. VIII.—Il est également convenu que dès que la présente Convention aura été signée et que les ratification du Traité de Tientsin auront été échangées, les forces françaises qui occupent Chusan évacueront cette île et que celles qui si trouvent devant Peking se retireront à Tientsin, à Ta-kou, sur la côte nord du Shang-tong ou dans la ville de Canton, et que dans tous ces lieux ou dans chacun d'eux le gouvernement français pourra, sil le juge convenable, y laisser des troupes jusqu'au moment où la somme totale de huit millions de taëls sera payée en entier.

Emigration declared lawful.

ART. IX.—Il est convenu entre les Hautes Parties Contractantes que dès que les ratifications du Traité de Tientsin auront été échangées, un Edit Impérial ordonnera aux authorités supérieures de toutes les provinces de permettre à tout chinois qui voudrait aller dans les pays situées au delà des mers pour s'y établir ou y chercher fortune, de s'embarquer lui et sa famille, s'il le veut, sur les bâtiment français qui se trouveront dans les ports de l'empire ouverts au commerce étranger. Il est convenu aussi que dans l'intérét de ces émigrés, pour aussurer leur entière liberté d'action et sauvegarder leurs intérêts, les autorités chinoises compétentes s'entendront avec le Ministre de France en Chine pour faire les règlements qui devront assurer à ces engagements, toujours volontaires, les garanties de moralité et de sûreté qui doivent y présider.

Tonnage Dues. Rectification of error in amount specified in Treaty of Tientsin.

ART. X et dernier.—Il est bien entendu entre les parties contractantes que le droit de tonnage qui, par erreur, a été fixé dans le traité français de Tientsin à cinq maces par tonneau sur les bâtiments qui jaugent cent cinquante tonneaux et au-dessus, et qui dans les traités signés avec l'Angleterre et les Etats Unis en mil huit cent cinquante-huit n'est porté qu'à la somme de quatre maces, ne s'élèvera qu'à cette même somme de quatre maces, sans avoir à invoquer le dernier paragraphe de l'Article XXVII du Traité de Tientsin, qui donne à la France le droit formel de réclamer le traitement de la nation la plus favorisée.

La présente Convention de Paix a été faite à Pékin, en quatre expéditions, le vingt-cinq octobre, mil hui cent soixante, et y a été signée par les Plénipotentiaires respectifs, qui y ont apposé le sceau de leurs armes.

[L.S.] (Signé) BON GROS.
[L.S.] (Signé) KONG.

Procès-Verbal.

Protocol of Exchange of Ratifications.

Le 25 octobre, 1860, les Hauts Commissaires des Empires des France et de la Chine, munis de pleins pouvoirs, trouvés réciproquement en bonne et due forme, savoir: pour l'Empire de France, son

Excellence le Baron Gros, Sénateur de l'Empire, et Ambassadeur Extraordinaire de Sa Majesté l'Empereur des Français en Chine, Grand Officer de la Légion d'Honneur, Chevalier Grand-Croix de plusieurs Ordres, etc., etc, etc.; et pour l'Empire Chinois, son Altesse Impériale le Prince de Kong, membre de la famille Impériale, et Haut Commissaire, etc., etc., etc.; se sont réunis au Palais du Lipou dans Péking, à l'effet de procéder à l'échange des ratifications du Traité de paix, d'amitié, et de commerce, signé à Tientsin le 27 Juin, 1858, ayant avec eux les Secrétaires et les Interprètes des deux nations, et son Excellence M. le Haut Commissaire de France a remis entre les mains de son Altesse Impériale le Prince de Kong l'instrument original du Traité de Tientsin, transcrit dans les deux langues et revêtu du grand sceau de l'Etat de l'Empire de France, et de la signature de Sa Majesté l'Empereur des Français, qui déclare dans cet acte, que toutes les clauses du dit traité sont ratifiées et seront fidélement exécutées.

Son Altesse Impériale ayant reçu le Traité ratifié, a remis à son tour à son Excellence M. le Haut Commissaire Français l'un des exemplaires du même traité approuvé et ratifié au pinceau vermillon par Sa Majesté l'Empereur de la Chine.

Et l'échange des ratifications du Traité signé à Tientsin en 1858 ayant eu lieu, les Hauts Commissaires Impériaux ont signé le present procès-verbal, rédigé par leurs Secrétaires respectifs, et y ont fait apposer le cachet de leurs armes.

Fait en double expédition, à Péking, dans l'une des salles du Palais du Lipou, le 25 Octobre, 1860.

(Signé) BON. GROS.

(Signé) KONG.

UNITED STATES OF AMERICA.

TREATY OF PEACE, AMITY, AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND THE CHINESE EMPIRE.

Signed at Wanghia (near Macao) in the English and Chinese Languages, 3rd July, 1844.

Ratifications exchanged at Canton, 31st December, 1845.

The United States of America and the Ta Tsing Empire, desiring to establish firm, lasting and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a Treaty, or general Convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object, the President of the United States has conferred full powers on their Commissioners Caleb Cushing. Commissioner Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United States to China; and the August Sovereign of the Ta Tsing Empire, on his Minister and Commissioner Kiying. Extraordinary Kiying, of the Imperial House, a vice-guardian of the heir apparent, Governor-General of the Two Kwang, and Superintendent-General of the trade and foreign intercourse of the five ports. And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following Articles:—

Peace to be maintained. ART. I.—There shall be a perfect, permanent and universal peace, and a sincere and cordial amity, between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

Duties to be levied by Tariff attached to this Treaty. ART. II.—Citizens of the United States, resorting to China for the purposes of commerce, will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this Treaty. They shall in no case be subject to other or higher duties than are or shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and officers of the revenue who may be guilty of exaction shall be punished according to the laws of China. If the Chinese Government desire to modify in any respect the said tariff, such modifications shall be made only in consultation with Consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. And if additional advantages or privileges of whatever description be conceded hereafter by China to any other nation, the United States and the citizens thereof shall be entitled thereupon to a complete, equal, and impartial participation in the same.

Trade may be engaged in at five ports.

ART. III.—The citizens of the United States are permitted to frequent the five ports of Kwangchau, Amoy, Fuhchau, Ningpo and Shanghai, and to reside with their families and to proceed at pleasure, with their vessels and merchandise to or from any foreign port, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel, belonging to a citizen of the United States, which violates this provision, shall with her cargo be subject to confiscation to the Chinese Government.

Consul to be appointed at each port.

ART. IV.—For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the Government of the United States may appoint Consuls, or other officers, at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasion may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, the said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and on the other hand, the said Consuls will carefully avoid all acts of unnecessary offense to, or collision with, the officers and people of China.

Import and Export not to be limited.

ART. V.—At each of the said five ports, citizens of the United States lawfully engaged in commerce, shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein and export to their own or any other ports, all manner of merchandise, of which the importation or exportation is not prohibited by this Treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

Rate of Tonnage Duties to be paid.

ART. VI.—Whenever any merchant vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul, or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton, if she be over one hundred and fifty tons burden; and one mace per ton, if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which, having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs, will report the same to the Commissioner of Customs, who, on the departure of the said vessel, shall note on the port-clearance that the tonnage duties have been paid, and report the same to the other Custom-houses: in which case, on entering another port, the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

Boats with passengers, baggage, etc., not to pay Tonnage Duty.

ART. VII.—No tonnage duty shall be required on boats belonging to citizens of the United States, employed in the conveyance of passengers, baggage, letters, and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo boats, however, conveying merchandise subject to duty, shall pay the regular

tonnage duty of one mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China.

Hiring Pilots, labourers, servants, boats, etc.

ART. VIII.—Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire at pleasure, servants, compradores, linguists, and writers, and passage or cargo boats; and to employ laborers, seamen, and persons for whatever necessary service for a reasonable compensation to be agreed on by the parties, or settled by application to the consular officer of their government without interference on the part of the local officers of the Chinese Government.

Customs officers to guard ships in port.

ART. IX.—Whenever merchant vessels belonging to the United States shall have entered port, the Superintendent of Customs will, if he see fit, appoint Custom-house officers to guard said vessels, who may live on board the ship or their own boats at their convenience; but provision for the subsistence of said officers shall be made by the Superintendent of Customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practised by them in violation of this regulation.

Rules about discharging cargo in part or in whole.

ART. X.—Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee will, within forty-eight hours, deposit the ship's papers in the hands of the Consul, or person charged with the affairs of the United States, who will cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board, which being done, the superintendent will give a permit for the discharge of her cargo. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo when he will pay the duties on vessel and cargo according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

Examination of goods for payment of duties.

ART. XI.—The Superintendent of Customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to an *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

Standard balances and measures to be furnished.

ART. XII.—Sets of standard balances, and also weights and measures duly prepared, stamped, and sealed, according to the standard

of the Custom-house at Canton, shall be delivered by the Superintendent of Customs to the Consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

Duties to be settled before a ship can leave.

ART. XII.—The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the Superintendent of Customs shall give a port-clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their re-sale or transit in any part of the Empire, shall be subject to the imposition of no higher duty than they are accustomed to pay at the date of this Treaty.

Transhipment of goods by permission only.

ART. XIV.—No goods on board any merchant vessel of the United States in part are to be transhipped to another vessel, unless there be particular occasion therefor; in which case the occasion shall be certified by the Consul to the Superintendent of Customs, who may appoint officers to examine into the facts, and permit the transhipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese Government.

Trade with U.S. open to all classes of Chinese.

ART. XV.—The former limitation of the trade of foreign nations to certain persons appointed at Canton by the Government, and commonly called hong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

Governments not responsible for debts of their subjects.

ART. XVI.—The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead or without property, or have absconded, the creditor cannot be indemnified according to the old system of the co-hong so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

Facilities to be enjoyed at ports.

ART. XVII —Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches and cemeteries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof; and the parties interested will fix the rent by mutual agreement, the proprietors, on the one hand not demanding an exorbitant price, nor the merchants on the other reasonably

insisting on particular spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China, shall be severely punished according to law. At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen, or others sojourning there, may pass and repass in the immediate neighbourhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully, and in fraud of the revenue. And in order to the preservation of the public peace, the local officers of government at each of the five ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

Learning the Chinese language.

ART. XVIII.—It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labors; and the persons so employed shall not for that cause be subject to any injury on the part either of the government or of individuals; and it shall, in the like manner, be lawful for citizens of the United States to purchase all manner of books in China.

Protection granted to peaceable residents.

ART. XIX.—All citizens of the United States in China peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China, shall receive and enjoy. for themselves, and everything appertaining to them, the special protection of the local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwelling or property be threatened or attacked by mobs, incendiaries, or other violent and lawless persons, the local officers, on requisition of the Consul, will immediately dispatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Goods not to be subjected to a second duty.

ART. XX.—Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to export the same in part or in whole to any other of the said ports, shall be entitled to make application through their Consul, to the Superintendent of Customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods as are entered on the Custom-house books, correspond with the representation made, and that the goods remain with their original marks uncharged, and shall then make a memorandum in the port-clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of Customs of the other ports; all which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk, and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examinations, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

Americans amenable to their own Consuls.

ART. XXI.—Subjects of China, who may be guilty of any criminal act towards citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China. And citizens of United States, who may commit any crime in

China, shall be subject to be tried and punished only by the Consul, or other public functionary of the United States thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

American ships in time of war.

ART. XXII.—Relations of peace and amity between the United States and China being established by this Treaty, and the vessels of the United States being admitted to trade freely to and from the five ports of China open to foreign commerce, it is further agreed, that if in case, at any time hereafter, China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United States: *Provided*, that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

U. S. Trade reports to be annually made to the Governor-General.

ART. XXIII.—The Consuls of the United States at each of the five ports open to foreign trade shall make annually to the respective Governors-General thereof a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the Board of Revenue.

Settlement of disputes between U.S. citizens and Chinese.

ART. XXIV.—If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event, he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul or other officer for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

Americans to settle their own controversies.

ART. XXV.—All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction, and regulated by the authorities of their own government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the Treaties existing between the United States and such Governments respectively, without interference on the part of China.

Consuls to control ships. Piracies.

ART. XXVI.—Merchant vessels of the United States, lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own government who,

with the master and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest Consul, or other officers of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should in any case happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

Wrecked ships and crews to be protected

ART. XXVII.—If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of government, on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled at once to repair to the most convenient of the five ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the five ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

No embargo to be put on American ships.

ART. XXVIII.—Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretence of the public service: but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

Mutineers and criminals fleeing from justice.

ART. XXIX.—The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harboured or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their governments. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

Mode of official communication prescribed.

ART. XXX.—The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication *(chau hwui)*. The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication *(chau hwui)*. When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial *(shin chin)*. Private individuals in addressing superior officers shall employ the style of petition *(pin ching)*. In no case

shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever shall ever be demanded of the United States by China, or of China by the United States.

Communications for the Emperor

ART. XXXI.—Communications from the Government of the United States to the Court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governors-General of the Liang Kwang, that of Min and Cheh, or that of the Liáng Kiáng.

Ships of war may visit any port.

ART. XXXII.—Whenever ships of war of the United States, in cruising for the protection of the commerce of their country, shall arrive at any of the ports of China, the Commanders of said ships, and the superior local authorities of government shall hold intercourse together in terms of equality and courtesy, in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water, and making repairs, if occasion require.

Clandestine traffic and opium disallowed.

ART. XXXIII.—Citizens of the United States, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.

Revision of this Treaty.

ART. XXXIV.—When the present Convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in which case the two Governments will, at the expiration of twelve years from the date of said Convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation.

And when ratified, this Treaty shall be faithfully observed in all its parts by the United States and China, and by every citizen and subject of each. And no individual state of the United States can appoint or send a Minister to China to call in question the provisions of the same.

The present Treaty of peace, amity, and commerce shall be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of the Ta Tsing Empire; and the ratifications shall be exchanged within eighteen months from the date of the signature thereof, or sooner if possible.

In faith whereof, we, the respective Plenipotentiaries of the United States of America, and of the Ta Tsing Empire, as aforesaid, have signed and sealed these presents.

Done at Wanghia, this third day of July, in the year of our Lord Jesus Christ, one thousand eight hundred and forty-four, and of Tau Kwang, the twenty-fourth year, fifth month, and eighteenth day.

[L.S.] (Signed) C. CUSHING.
[L.S.] (Signed) TSIYENG.

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TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE CHINESE EMPIRE.

Signed, in the English and Chinese Languages, at Tientsin, 18th June, 1858.

Ratifications exchanged at Peking, 16th August, 1859.

PROCLAMATION.

Proclamation.

Whereas a Treaty of amity and commerce between the United States of America and the Ta Tsing Empire was negotiated between the Plenipotentiaries of those nations, and signed by them, in the English and Chinese languages, on the 18th day of June, 1858, at Tientsin, which Treaty has been ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Emperor of China; and the said Ratifications have been duly exchanged:

Therefore be it known that this Treaty is now published for the general information and guidance of whom it may concern; and I hereby call upon all the citizens of the United States residing in, or visiting this Empire, to obey its stipulations, and thereby promote the amicable relations now existing between the two nations.

At all the ports open to commerce tonnage duties will be paid on merchant vessels belonging to the United States, according to the provisions of this Treaty, on and after the 24th day of November, 1859.

The ports of Chau-chau or Swatau, in the province of Kwangtung, and Taiwan on Formosa in the province of Fuhkien, will be opened to American commerce, and for Americans to reside with their families, on and after the first day of January, 1860.

Given under my hand and seal of office at the Legation of the United States in Shanghai, this eighth day of November, A.D. one thousand eight hundred and fifty-nine, and of the Independence of the United States, the eighty-fourth.

(Signed) JOHN E. WARD,

Envoy Extraordinary and Minister Plenipotentiary of the United States to China.

Attest,

(Signed) W. WALLACE WARD,

Secretary of Legation.

Preamble.

The United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner clear and positive, by means of Treaty or general Convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United

States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries, to wit: the President of the United States of America, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China; and His Majesty the Emperor of China, Kweiliang, a Member of the Privy Council and Superintendent of the Board of Punishments, and Hwashana, President of the Board of Civil Office, and Major-General of the Boardered Blue Banner Division of the Chinese Bannermen, both of them being Imperial Commissioners and Plenipotentiaries: And the said Ministers, in virtue of the respective full powers they have received from their Governments, have agreed upon the following Articles:—

Plenipotentiaries.

W. B. Reed.

Kweiliang.

Hwashana.

ART. I.—There shall be, as there has always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

Peace to be maintained. Mediation.

ART. II.—In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of China, this Treaty, shall be kept and sacredly guarded in this way, viz: the original Treaty as ratified by the President of the United States, shall be deposited at Peking, the capital of His Majesty the Emperor of China, in charge of the Privy Council; and as ratified by His Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

Custody of Treaties.

ART. III.—In order that the people of the two countries may know and obey the provisions of this Treaty, the United States of America agree, immediately on the exchange of ratifications, to proclaim the same and publish it by proclamation in the gazettes where the laws of the United States of America are published by authority, and His Majesty the Emperor of China, on the exchange of ratifications, agrees immediately to direct the publication of the same at the capital and by the Governors of all the provinces.

Treaties to be published by both countries.

ART. IV.—In order further to perpetuate friendship the Minister or Commissioner, or the highest Diplomatic Representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the officers of the Privy Council at the capital, or with the Governors-General of the Two Kwang, the provinces of Fuhkien and Chehkiang, or of the Two Kiang; and whenever he desires to have such correspondence with the Privy Council at the capital, he shall have the right to send it through either of the said Governors-General, or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and Governors-General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

Correspondence between the Minister and Chinese Officers.

ART. V.—The Minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital of His Majesty the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for the purposes, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay.

Periodical visits of the Minister to Peking.

He shall be allowed to go by land, or come to the mouth of the Pei-ho, into which he shall not bring ships of war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital, he shall communicate in writing his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to facilitate his journey, and give him necessary protection and respect on his way. On his arrival at the capital, he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

Residence of U.S. Minister at Peking.

ART. VI.—If at any time His Majesty the Emperor of China shall, by Treaty voluntarily made or for any other reason, permit the representative of any friendly nation to reside at his capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

Manner of official correspondence.

ART. VII.—The superior authorities of the United States and of China in corresponding together shall do so on terms of equality and in form of mutual communication *(chau hwui)*. The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication *(chau hwui)*. When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial *(shin chin)*. Private individuals in addressing superior officers shall employ the style of petition *(pin chin)*. In no case shall any term of style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China or of China by the United States.

Personal official interviews.

ART. VIII.—In all future personal intercourse between the representative of the United States of America and the Governors-General or Governors, the interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the Representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matter shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

U.S. national ships visiting ports in China.

ART. IX.—Whenever national vessels of the United States of America in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country, or for the advancement of science, shall arrive at or near any of the ports of China, Commanders of said ships and the superior local authorities of government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations, and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies, and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured, deliver them over for trial and punishment.

Rights of U. S. Consuls.

ART. X.—The United States of America shall have the right to appoint Consuls and other commercial agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government (a Consul or a Vice-Consul in charge taking rank with an intendent of circuit or a prefect), either personally or in writing, as occasion may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities they have the right to make representation of the same to the superior officers of their respective governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and agents shall carefully avoid all acts of offense to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor-General of the province where such port is, who shall forthwith recognize the said Consul, and grant him authority to act.

Protection to Americans. Arrests.

ART. XI.—All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of government, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act towards citizens of the United States shall be punished by the Chinese authorities according to the law of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

Renting houses, travel, and trade near ports.

ART. XII.—Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exhorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but tech party shall conduct with justice and moderation. Any desecra- Desecration of cemeteries to be punished.
iaon of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen, or others can freely pass and repass in the immediate neighbourhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

Property saved to be restored. Pirates.

ART. XIII.—If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of the government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the Consul. If by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the Throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

Seven open ports for American trade.

ART. XIV.—The citizens of the United States are permitted to frequent the ports and cities of Canton and Chauchau or Swatau, in the province of Kwangtung, Amoy, Fuhchau, and Taiwan in Formosa, in the province of Fuhkien; Ningpo in the province of Chehkiang; and Shanghai in the province of Kiangsu; and any other port or place hereafter by Treaty with other powers, or with the United States, opened to commerce; and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating the provision shall with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subject of other nations as a cover for the violation of the laws of the Empire.

Duties to be paid.

ART. XV.—At each of the ports open to commerce, citizens of the United States shall be permitted to import from abroad, and sell, purchase, and export all merchandise of which the importation or exportation is not prohibited by the laws of the Empire. The tariff of duties to be paid by citizens of the United States, on the export and import of goods from and into China, shall be the same as was agreed upon at the Treaty of Wanghia, except so far as it may be modified by treaties with other nations; it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favoured nation.

Tonnage Dues, buoys, light-ships.

ART. XVI.—Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden; and one mace per ton of forty cubic feet, if she be of the burden of one hundred and fifty tons or under,

according to the tonnage specified in the register; which, with her other papers, shall, on her arrivals, be lodged with the Consul, who shall report the same to the Commissioner of Customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or being in ballast, to purchase an entire or fill up an incomplete cargo, the Consul shall report the same of the Commissioner of Customs, who shall note on the port-clearance that the tonnage duties have been paid, and report the circumstances to the collectors at the other Customs-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of Customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

Hiring pilots, labourers, boats, etc.

ART. XVII.—Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure, servants, compradores, linguists, writers, labourers, seamen, and persons for whatever necessary service, with passage or cargo-boats, for a reasonable compensation, to be agreed upon by the parties or determined by the Consul.

Deserters and criminals tried by their own officers.

ART. XVIII.—Whenever merchant vessel of the United States shall enter a port, the collector of Customs shall, if he see fit, appoint Custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harboured or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. But merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

Rules about cargo and reporting ships.

ART. XIX.—Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking

bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power; or, if he please, directly to the Superintendent of Customs, who shall do all that is required to conduct the ship's business.

Examination of, or disputes about cargo.

ART. XX.—The Superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged or importation, or laden for exportation, on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to *ad valorem* duty, or in regard to the amount to tare, and the same cannot be satisfactorily arranged by the parties, the question may within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

Imports sent from one port to another.

ART. XXI.—Citizens of the United States, who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports, shall be entitled to make application through their Consul, to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods as are entered on the Custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance, of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of Customs of the other ports; all which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China into a ship of the United States, and not landed, may be re-exported without hindrance.

Payment of duties. Consul liable.

ART. XXII.—The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of Customs shall give a port-clearance, and the Consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid, he shall be held responsible therefor.

Permits granted for transhipment of goods.

ART. XXIII.—When goods on board any merchant vessel of the United States in port require to be transhipped to another vessel, application shall be made to the Consul, who shall certify what is the

occasion therefor to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transhipment. And if any goods be transhipped without written permits, they shall be subject to be forfeited to the Chinese Government.

Manner of prosecution of debts.

ART. XXIV.—Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and on suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the Cousular Court. But neither government will hold itself responsible for such debts..

Facilities for learning the Chinese language.

ART. XXV.—It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labours; and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

Rights of American neutrals in war between China and other countries.

ART. XXVI.—Relations of peace and amity between the United States and China being established by this Treaty, and the vessles of the United States being admitted to trade freely to and from the ports of China open to foreign commerce, it is further agreed that, in case of any time hereafter China shall be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the beligerent powers, full respect being paid to the neutrality of the flag of the United States, provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes, to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Chinese officers have no jurisdiction in disputes between U.S. citizens.

ART. XXVII.—All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government, shall be regulated by the Treaties existing between the United States and such Government, respectively, without interference on the part of China.

Mode of U.S. citizens addressing Chinese officers.

ART. XXVIII.—If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly, at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be

amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

Toleration of the Christian religion.

ART. XXIX.—The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others to do to them. Hereafter, those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who according to these tenets peaceably teach and practise the principles of Christianity, shall in no case be interfered with or molested.

American citizens to enjoy the same privileges as others.

ART. XXX.—The contracting parties hereby agree that, should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege or favour, connected either with navigation, commerce, political, or other intercourse, which is not conferred by this Treaty, such right, privilege, and favour shall at once freely enure to the benefit of the United States, its public officers, merchants, and citizens.

The present Treaty of peace, amity, and commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner if possible, and by the August Sovereign of the Ta Tsing Empire forthwith; and the ratifications shall be exchanged within one year from the date of the signatures thereof.

In faith whereof, we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, as aforesaid, have signed and sealed these presents.

Done at Tientsin, this eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, and the Independence of the United States of America the eighty-second, and in the eighth year of Hien Fung, fifth month, and eighty day.

[L.S.]	(Signed)	WILLIAM B. REED.
[L.S.]	(Signed)	KWEILIANG.
[L.S.]	(Signed)	HWASHANA.

[To the foregoing Treaty are appended a Tariff and Rules identical with those appended to the British Treaty of Tientsin.]

ADDITIONAL ARTICLES TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE TA TSING EMPIRE OF 18TH OF JUNE, 1858.

Signed, in the English and Chinese Languages, at Washington, 28th July, 1868.

Ratified at Peking, 23rd November, 1869.

Whereas, since the conclusion of the Treaty between the United States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto: the President of the United States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries to wit the President of the United States of America, William H. Seward, Secretary of State; and His Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih Kang, and Sun Chia-ku, of the second Chinese rank, associated high Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:—

Plenipotentiaries W. H. Seward, Anson Burlingame, Chih Kang and Sun Chia-ku.

ART. I.—His Majesty the Emperor of China, being of the opinion that in making concessions to the citizens or subjects of foreign powers, of the privilege of residing on certain tracts of land, or resorting to certain waters of that Empire, for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said lands and waters, hereby agrees that no such concession or grant shall be construed to give to any power or party, which may be at war with or hostile to the United States, the right to attack the citizens of the United States, or their property, within the said lands or waters: And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property, with which they may be at war, on any such tract of land or waters of the said Empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property.

No power hostile to U.S. shall attack U.S. citizens or property on U.S. concessions U.S. shall not attack citizens or subjects of any hostile power on its concessions, but may resist an attack. Chinese jurisdiction in U.S. concessions.

It is further agreed that if any right or interest in any tract of land in China has been, or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce,—that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land except so far as the right may have been expressly relinquished by Treaty.

ART. II.—The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese

Any privilege of trade or navigation not stipulated for by Treaty shall be subject to the

discretion of the Chinese Government.

dominions which may not have been stipulated for by Treaty, shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly, but not in a manner or spirit incompatible with the Treaty stipulations of the parties.

Consuls to the U. S.

ART. III.—The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and Treaty in the United States by the Consuls of Great Britain and Russia or either of them.

U. S. citizens in China and Chinese subjects in U. S. shall enjoy liberty of conscience and be exempt from religious persecution. All cemeteries shall be respected.

ART. IV.—The 29th Article of the Treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese Converts from persecution in China on account of their faith; it is further agreed that citizens of the United States in China of every religious persuasions, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

Voluntary emigration.

ART. V.—The United States of America and the Emperor of China, cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity, of trade, or as permanent residents. The high Contracting Parties, therefore, join in reprobating any other than an entirely voluntarily emigration for these purposes. They consequently agree to pass laws, making it a penal offence for a citizen of the United States, or a Chinese subject, to take Chinese subjects either to the United States or to any other foreign country; or for a Chinese subject or a citizen of the United States to take citizens of the United States to China, or to any other foreign country, without their free and voluntary consent respectively.

U. S. citizens in China and Chinese subjects in U. S. shall enjoy all privileges of travel and residence enjoyed by citizens or subjects of the most favoured nation. Naturalization not conferred.

ART. VI.—Citizens of the United States visiting or residing to China, shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens of subjects of the most favoured nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favoured nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

U. S. citizens in China and Chinese subjects in U. S. shall enjoy all privileges of public educational institutions enjoyed by the citizens or subjects of the most favoured nation.

ART. VII.—Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favoured nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by Treaty permitted to reside; and reciprocally, the Chinese subjects may enjoy the same privileges and immunities in the United States.

U. S. shall not intervene in the domestic.

ART. VIII.—The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by

one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material internal improvements. On the other hand His Majesty the Emperor of China reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that, if at any time hereafter, his Imperial Majesty shall determine to construct, or cause to be constructed, work of the character mentioned, within the Empire, and shall make application to the United States or any other Western Power for facilities to carry out that policy, the United States will in that case designate or authorize suitable Engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such applications: the Chinese Government in that case protecting such Engineers in their persons and property, and paying them a reasonable compensation for their services.

administration of China in regard to material internal improvements. If desired, U.S. will designate or organize Engineers to be employed for carrying out such improvements.

In faith whereof, the respective Plenipotentiaries have signed this Treaty and thereto affixed the seals of their arms.

Done at Washington, the 28th day of July, in the year of Our Lord one thousand eight hundred and sixty-eight.

[L.S.]	(Signed)	WILLIAM. H. SEWARD.
[L.S.]	(Signed)	ANSON BURLINGAME.
	„	CHIH KANG.
	„	SUN CHIA-KU.

NOTE.—In the copies of the foregoing Treaty heretofore published in China, apparently from an unauthorized text, the following Article, ratification of which was declined, and which consequently has no place in the agreement, has hitherto been included:

ART. VII.—The United States and the Emperor of China, recognising in the present progress of nations a favourable tendency towards unity of civilisation, and regarding a unity of money and unity of weights and of measures as favourable to that great object, do hereby agree that they will use their influence and efforts to obtain the establishment, by the general agreement of nations, of representative coins having a common value, and also a common standard of weights and measures for all countries.

He shall be allowed to go by land, or come to the mouth of the Pei-ho, into which he shall not bring ships of war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital, he shall communicate in writing his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to facilitate his journey, and give him necessary protection and respect on his way. On his arrival at the capital, he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

Residence of U.S. Minister at Peking.

ART. VI.—If at any time His Majesty the Emperor of China shall, by Treaty voluntarily made or for any other reason, permit the representative of any friendly nation to reside at his capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

Manner of official correspondence.

ART. VII.—The superior authorities of the United States and of China in corresponding together shall do so on terms of equality and in form of mutual communication *(chau hwui)*. The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication *(chau hwui)*. When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial *(shin chin)*. Private individuals in addressing superior officers shall employ the style of petition *(pin chin)*. In no case shall any term of style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China or of China by the United States.

Personal official interviews.

ART. VIII.—In all future personal intercourse between the representative of the United States of America and the Governors-General or Governors, the interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the Representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matter shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

U.S. national ships visiting ports in China.

ART. IX.—Whenever national vessels of the United States of America in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country, or for the advancement of science, shall arrive at or near any of the ports of China, Commanders of said ships and the superior local authorities of government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations, and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies, and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured, deliver them over for trial and punishment.

Rights of U. S. Consuls.

ART. X.—The United States of America shall have the right to appoint Consuls and other commercial agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government (a Consul or a Vice-Consul in charge taking rank with an intendent of circuit or a prefect), either personally or in writing, as occasion may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities they have the right to make representation of the same to the superior officers of their respective governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and agents shall carefully avoid all acts of offense to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor-General of the province where such port is, who shall forthwith recognize the said Consul, and grant him authority to act.

Protection to Americans. Arrests.

ART. XI.—All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of government, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act towards citizens of the United States shall be punished by the Chinese authorities according to the law of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

Renting houses, travel, and trade near ports.

ART. XII.—Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exhorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but tech party shall conduct with justice and moderation. Any desecra- iaon of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen, or others can freely pass and repass in the immediate neighbourhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

Desecration of cemeteries to be punished.

RUSSIA.

TREATY OF PEACE BETWEEN CHINA AND RUSSIA.

Signed in 1689 at Nipchu (Nerchinsk).

[NOTE.—The text of this Treaty is to be found in Du Halde's *Decription de la Chine* (edition of the Hague, 1736, t. IV, p. 242). It was translated from Latin into French by Père Gerbillon, who, with the Portuguese Jesuit Thomas Pereyra, was commissioned by the Emperor K'ang Hi to accompany the Chinese Plenipotentiaries on their visit to the frontier with the Russian envoys, and to act as interpreter to the two contracting parties. The Treaty, which was the result of long negotiations, was drawn up in Latin by Gerbillon and his colleague, and translated by the former into French. (See "*Archives Diplomatiques*," Paris, 1861, t. I., p. 270, where the French text of the Treaty is given in full). See also Revenstien, *The Russians on the Amur*, p. 62.]

TRAITÉ DE PAIX ENTRE LA CHINE ET LA RUSSIE, SIGNÉ ET PROCLAMÈ À LA FRONTIÈRE CHINOISE LE 24 OCTOBRE, 1727, ET RATIFIÉ AU NOM NE L'EMPEREUR PIERRE II, LE 14 JUIN, 1728.

(Translated from the Manchu original, and published with the Manchu text by Klaproth in his "Chrestomathic Manchoue." Paris, 1828.—See "Archives Diplomatiques," Paris, 1861, t. I., 276.)

This instrument abrogates all that had previously passed between the two Governments, defines the boundaries between their respective territories, and provides for the despatch of trading expeditions once in every three years to Peking, the residence of a Russian Ecclesiastical Mission there, the mode of correspondence, and the rendition of fugitive subjects on either side.

SUPPLEMENTARY TREATY BETWEEN RUSSIA AND CHINA, SIGNED AT KIACHTA, OF THE 18TH OCTOBER, 1768, AS AN ADDITION TO THE TREATY OF THE 24TH OCTOBER, 1727.

("Archives Diplomatiques," Paris, 1861, t. L., p. 282.)

The object of this Convention was to remove causes of disagreement on the subject of the arrest and extradition of criminals and of brigandage on the frontier.

TRAITÉ DE COMMERCE ENTRE LA RUSSIE ET LA CHINE.

Signé à Kouldja, le 25 juillet, 1851.

Ratifié par l'Empereur de Russie, le 13 novembre, 1851.

Trade at Ili and Tarbagataï.

Le Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies et les Plénipotentiaires de Sa Majesté le Bogdokhan du Ta-Tsing, savoir: le Gouverneur-Général de l'Ili et d'autres provinces, ainsi que son adjoint, ont, après avoir conféré ensemble, conclu dans la ville d'Ili (Kouldja), en faveur des sujets des deux Empires, un Traité de Commerce qui établit un trafic dans les villes d'Ili (Kouldja), et de Tarbagataï (Tchougoutchak). Ce Traité se compose des Articles qui suivent:

Mutual amity.

ART. I.—Le présent Traité de Commerce, conclu dans l'intérêt des deux Puissances, en témoignant de leur sollicitude pour le maintien de la paix ainsi que pour le bien-être de leurs sujets, doit resserrer encore davantage les liens d'amitié qui unissent les deux Puissances.

Trade to be unrestricted. Consul and Chinese Superintendent to be appointed.

ART. II.—Les marchands des deux Empires feront entre eux le commerce d'échange et régleront les prix librement et à leur gré. Il sera nommé, pour surveiller les affaires des sujets russes, un consul de la part de la Russie, et pour les affaires des commerçants chinois, un fonctionnaire de l'administration supérieure de l'Ili. En cas de collision entre les sujets de l'une et de l'autre Puissance, chacun de ces agents décidera selon toute justice les affaires de ses nationaux.

No duties to be levied on either side.

ART. III.—Ce commerce étant ouvert en considération de l'amitié mutuelle des deux Puissances, ne sera passible de part ni d'autre d'aucun droit quelconque.

Conduct of Caravans.

ART. IV.—Les marchands russes allant soit à Ili (Kouldja), soit à Tarbagataï (Tchougoutchak), seront accompagnés d'un syndic (karavan-bascha.) Lorsqu'une caravane allant à Ili arrivera au piquet chinois de Boro-khoudjir, et que celle destinée pour Tarbagataï (Tchougoutchak) atteindra le premier piquet chinois, le syndic présentera à l'officier garde le billet de son Gouvernement. Ledit officier, après avoir pris note du nombre d'hommes, de bestiaux et de charges de marchandises, laissera passer la caravane en la faisant escorter, de piquet en piquet, par un officier et des soldats. Pendant la marche, toute vexation ou offense sera interdite aux soldats comme aux marchands.

Route to be followed.

ART. V.—Pour faciliter le service des escortes d'officiers et de soldats, les marchands russes seront obligés, en vertu du présent Traité, de suivre la route des corps de garde, tant en allant qu'à leur retour.

Chinese Government not to take action in case of pillage by Kirghis.

ART. VI.—Si, pendant que les caravanes russes suivront leur route en dehors de la ligne des corps de garde chinois, les bandes de pillards des aoûls extérieurs (Kirghises) commettaient des actes de brigandage, d'agression ou d'autres crimes, le Gouvernement Chinois n'aura point à intervenir dans l'enquête à laquelle cela donnerait lieu. Lorsque la caravane sera arrivée sur territoire chinois, de même que pendant le séjour dans les factoreries où les marchandises sont déposées, les marchands russes devront garder et défendre eux-memes

leur propriété; ils seront tenus de surveiller avec encore plus de soin leur bétail au pâturage. Si, contre toute attente, quelque chose venait à se perdre, il en sera immédiatement donné avis au fonctionnaire chinois, qui, conjointment avec le consul russe, poursuivra avec toute la diligence possible les traces de l'objet perdu. Si ces traces étaient découvertes dans les villages de sujets chinois et que le voleur fût saisi, il devra être jugé sans retard et sévèrement. Si l'on retrouvait quelques-unes des choses volées, elles seront restituées à qui il appartient.

Measures in case of robbery.

Joint investigation of minor differences.

ART. VII.—En cas de brouilleries, de contestations ou autres incidents de peu d'importance entre les sujets respectifs, le consul russe et le fonctionnaire chinois dont il a été fait mention plus haut, apporteront tous leurs soins à la décision de l'affaire. Mais si, contre toute attente, il se présentait une affaire criminelle ou un cas important en général, il sera procédé conformément aux règles actuellement en vigueur sur la frontière de Kiakhta.

Period for arrival of caravans. Escort, expresses, etc.

ART. VIII.—Les marchands russes arriveront chaque année avec leurs marchandises, depuis le 25 mars jusqu'au 10 décembre (de notre style, ou, d'après le calendrier chinois, depuis le jour Tein-ming jusqu'au jour Tong-tchi); passé cette dernière date, l'arrivée des caravanes cessera. Si toutefois les marchandises importées pendant cette période (8 mois et demi) n'étaient pas vendues, il sera loisible aux marchands de rester plus longtemps en Chine pour achever la vente, après quoi le consul prendra soin de leur départ. Il est entendu de plus que les marchands russes n'obtiendront une escorte d'officiers et de soldats, ni pour aller ni pour leur retour, s'ils n'ont pour le moins vingt chameaux avec des marchandises. Au reste, si un marchand ou le consul russe avait besoin, pour une affaire quelconque, d'expédier un exprès, il en aura la faculté.

Mais pour que le service des officiers et soldats fournissant l'escorte ne devienne pas trop onéreux, il n'y aura que deux fois par mois de ces expéditions extraordinaires hors de la ligne des corps de garde.

Restrictions upon movements of Russian traders.

ART. IX.—Les marchands russes et chinois pourront se voir librement pour affaires de commerce; mais les sujets russes se trouvant dans la factorerie sous la surveillance du consul russe, ne pourront circuler dans les faubourgs et les rues que munis d'un permis du consul; sans ce permis ils ne pourront pas sortir de l'enceinte. Quiconque sortira sans permis sera reconduit chez le consul, qui procédera contre lui comme de droit.

Mutual extradition of criminals.

ART. X.—Si un criminel appartenant à l'un des deux Empires se réfugiait dans l'autre, il n'y sera pas toléré; mais de part et d'autre les autorités locales prendront les mesures les plus sévères et les informations les plus exactes pour rechercher ses traces. Il y aura extradition réciproque de transfuges de cette espèce.

Pasturage grounds assigned near Ili and Tarbagataï for beasts of burden.

ART. XI.—Comme il est à prévoir que les marchands russes qui viendront en Chine pour affaires de commerce auront avec eux des montures, et des bêtes de somme, il sera assigné à leur usage, près de la ville de Tarbagataï des lieux où il y a de l'eau et de l'herbe. Dans ces pâturages, les marchands russes confieront leurs bestiaux à la garde de leurs gens qui veilleront à ce que les terres labourées et les cimetières ne puissent dans aucun cas être foulés. Les contrevenants seront amenés devant le Consul pour être punis.

No dealings on credit to be sanctioned.

ART. XII.—Dans l'échange de marchandises entre les commercants des deux Empires il ne sera rien livré à crédit de part ni d'autre. Si, malgré cet Article, quelqu'un livrait sa marchandise à crédit, les

fonctionnaires russes et chinois n'auront point à intervenir et n'admettront aucune plainte, quand même il y en aurait.

Russian settlement areas at Ili and Tarbagataï.

ART. XIII.—Comme les marchands russes arrivant en Chine pour affairs de commerce doivent nécessairement avoir des emplacements pour leurs factoreries, le Gouvernement Chinois leur assignera, dans les deux villes de commerce d'Ili et de Tarbagataï, des terrains près des bazars, afin que les sujets russes puissent y construire à leurs frais des maisons d'habitation et des magasins d'entrepôt pour leurs marchandises.

Religious rites, Cemeteries.

ART. XIV.—Le Gouvernment Chinois ne s'interposera en aucun cas lorsque les sujets russes célébreront dans leurs factoreries les service divin selon le rite de leur religion. Pour le cas ou quelqu'un des sujets russes en Chine viendrait à mourir à Ili ou à Tarbagataï, le Gouvernement Chinois assignera hors de l'enceinte de chacune de ces villes un terrain vague pour servir de cimitière.

Fixed value assigned for sheep on Chinese Government account.

ART. XV.—Si les marchands russes amènent à Ili ou à Tarbagataï des moutons pour les y échanger, les autorités locales prendront pour compte du Gouvernement deux moutons sur 10, et livreront en échange de chaque mouton une pièce de toile (*da-ba*, de la mesure légale); le rest du bétail et toute autre marchandise seront échangés entre les marchands des deux Empires au prix convenu de gré à gré, et le Gouvernement Chinois ne s'en mêlera d'aucune façon.

Correspondence.

ART. XVI.—La correspondance officielle ordinaire entre les deux Empires se fera, de la part du Gouvernement Russe, par l'entremise de l'administration supérieure de la Sibérie occidentale et sous le cachet de cette administration, et de la part du Gouvernement Chinois, par l'entremise et sous le cachet de l'administration supérieure de l'Ili.

Treaty signed in Russian and Manchu languages. The Manchu text to rule.

ART. XVII.—Le présente Traité sera revêtu des signatures et cachets de Plénipotentiaries respectifs. Il en sera dressé, du côte de la Russie, 4 exemplairies en langue russe, signés par le Plénipotentiaire de la Russie, et du côté de la Chine, 4 exemplaires en langue mantchoue, signés par le Plénipotentiaire Chinois et son adjoint. Les Plénipotentiaires respectifs garderont chacun un exemplaire en langue russe et un exemplaire en langue mantchoue, pour la mise à exécution du Traité et pour servir de règle constanté. Un exemplaire russe et un exemplaire mantchou seront envoyés au sénat dirigeant de Russie, et un exemplaire dans l'une et l'autre langue au tribunal chinois des relations extérieures, pour y être scellés gardés aprés l'échange des ratifications du Traité.

Tous les Articles ci-dessus du présent Traité conclu par les Plénipotentiaires respectifs de la Russie et de la Chine sont signés et munis de cachets.

25th July, 1858.

Le 25 juillet de l'an 1851, 26me année du règne de Sa Majesté Impériale l'Empereur et Autocrate de toutes les Russies.

[L.S.]	(Signé)	KOVALEVSKY.	Kovalevsky.
[L.S.]	(Signé)	I-CHAN.	Yih Shan.
	(Signé)	BOUYANTAI.	

TRAITÉ D'AMITIÉ ET DE LIMITES ENTRE LA RUSSIE ET LA CHINE.

Signé à Aïghoun le 16 mai, 1858.
Ratifié par l'Empereur de Russie, le 8 juillet, 1858.
Ratifié par Sa Majesté le Bogdokhan de Chine, le 2 juin, 1858.

Le Grand Empire de Russie, et de sa part le Gouverneur Général de la Sibérie Orientale, l'Aide de Camp Général de Sa Majesté l'Empereur Alexandre Nicolaïévitch, le Lieutenant-Général Nicolas Mouraview, et le Grand Empire Ta-Tsing, et de sa part l'Aide de Camp Général Prince I-Chan, Grand de la Cour, Commandant en Chef sur l'Amour, voulant établir une éternelle et plus intime amitié entre les deux Empires, et dans l'intérêt des sujets respectifs, ont arrêté d'un commun accord :

Lieut-General Mouraview.

Yih Shan.

Definition of boundaries along course of river Amur.

ART. I.—La rive gauche du fleuve Amour, à partir de la rivière Argoun jusqu'à l'embouchure de l'Amour, appartiendra à l'Empire de Russie, et sa rive droite, en aval jusqu'à la rivière Oussouri, appartiendra à l'Empire Ta-Tsing; les territoires et endroits situés entre la rivière Oussouri et la mer, comme jusqu'à présent, seront possédes en commun par l'Empire Ta-Tsing et l'Empire de Russie. en attendant que la frontière entre les deux Etats y soit réglée. La navigation de l'Amour, du Soungari et de l'Oussouri n'est permise qu'aux bâtiments des Empires Ta-Tsing et de la Russie : la navigation de les rivières sera interdite aux bâtiments de tout autre Etat. Les habitants mantchous établis sur la rive gauche de l'Amour, depuis la rivière Zéia jusqu'au village Hormoldzin au sud, conserveront à perpétuité les lieux de leurs anciens domiciles sous l'administration du Gouvernement Mantchou, et les habitants Russes ne pourront leur faire aucune offense ni vexation.

Trade on banks of rivers Usurl, Amur, and Sungari.

ART. II.—Dans l'iuterêt de la bonne intelligence mutuelle des sujets respectifs, il est permis aux habitants riverains de l'Oussouri, de l'Amour et du Soungari, sujets de l'un et de l'autre Empire, de trafiquer entre eux, et les autoritiés doivent réciproquement protéger les commerçants sur les deux rives.

Treaty signed in Russian, Manchu, and Mongol languages.

ART. III.—Les stipulations arrêtées d'un commun accord par le Plénipotentiaire de l'Empire de Russie, le Gouverneur-Général Mouraview, et le Commandant-en-chef sur l'Amour, I-Chan, et Plénipotentiaire de l'Empire Ta-Tsing, seront exactement et inviolablement exécutées à perpétuité; à cet effet, le Gouverneur-Général Mouraview, pour l'Empire de Russie, a remis un exemplaire du présent Traité, écrit en langue russe et mantchoue, entre les mains du Commandant-en-chef Prince I-Chan pour l'Empire Ta-Tsing, et le Commandant-en-chef Prince I-Chan, pour l'Empire Ta-Tsing, a remis un exemplaire du présent Traité en langues mantchoue et mongole, au Gouverneur-Général Mouraview pour l'Empire de Russie. Toutes les stipulations soussignées dans la présente seront publiées pour l'information des habitants limitrophes des deux Empires.

16th May, 1858,

Le 16 mai, 1858, ville d'Aïghoun.

Nicolas Mouraview.

[L.S.] (Signé) NICHOLAS MOURAVIEW.

[L.S.] (Signé) PIERRE PEROFFSKY.

Yih Shan.

[L.S.] (Signé) I-CHAN.

[L.S.] (Signé) DZIRAMINGA.

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN RUSSIA AND CHINA.

Signed at Tientsin, June $\frac{1}{13}$, 1858.

(Traduction du russe.)

Sa Majesté l'Empereur et Autocrate de toutes les Russies et Sa Majesté l'Empereur de Chine jugeant de toute nécessité de préciser clairement les relations mutuelles entre la Russie et la Chine, et d'arrêter de nouveaux réglements pour l'intérêt des deux Etats, ont nommé à cet effet leurs Plénipotentiaires, savoir : Plenipotentiaries.

Sa Majesté l'Empereur de toutes les Russies, Son Aide-de-camp Général, Vice-Amiral Comte Euphimius Poutiatine, Commissaire Impérial en Chine, et Commandant-en-chef l'escadre Russe dans l'Océan Pacifique : Cte. Poutiantine.

Et Sa Majesté l'Empereur de Chine, de son Empire le Dahiochi de la section Orientale, Dirigeant-en-chef du Tribunal de Justice Criminelle, le haut fonctionnaire Koui-leang, et de son Empire le Président du Tribunal d'Inspection, Chef de Division de la grosse Infanterie du drapeau bleu à frange, son haut fonctionnaire Houachana. Kweiliang. Hwashana.

Lesdites Plénipotentiaires, en vertu des pouvoirs qu'ils ont reçus de leurs Gouvernements respectifs, son convenus des Articles suivants, et les ont arrêtés :—

ART. I.—Le présent Traité confirme de nouveau la paix et l'amitié qui existent depuis nombre d'années, entre Sa Majesté l'Empereur de toutes les Russies et Sa Majesté l'Empereur de Chine, et entre leurs sujets respectifs. Reciprocity of friendship and protection.

Les sujets russes qui résident en Chine, et les sujets chinois qui se trouvent en Russie, jouiront constamment de la protection des Gouvernements des deux Empires, tant pour leur sécurité personelle que pour celle de leur propriété.

ART. II.—Dorénavant les communications entre le Gouvernement Suprême de Russie, et le Gouvernement Suprême de Chine, ne se feront plus comme cela était jusqu'à présent, par la Sénat d'une part et le Tribunal Li-fan-yuan de l'autre. mais ce sera le Ministre des Affaires Etrangères de Russie qui communiquera avec le Membre aîné du Conseil d'Etat on le Premier Ministre à Pékin. Ils traiteront sur le pied d'une parfaite égalité. Correspondence and personal communication between officials of Russia and China. Equality in all communications.

La correspondance ordinaire entres les personnes mentionnées ci-dessus sera transmise par les autorités des frontières. Les communications de haute importance seront portées dans la capitale par un employé nommé *ad hoc*, qui pourra entrer dans des explications verbales avec les Membres du Conseil d'Etat et le Premier Ministre. A son arrivée il remettra les dépêches par l'entremise du Président du Tribunal des Rites (Li-pou).

L'égalité sera observée de même dans la correspondance et les entrevues des Envoyés et des Ministres Plénipotentiaires de Russie avec les Membres du Conseil d'Etat, les Ministres de la Cour de Pékin et les Gouverneurs-Généraux des Provinces limitrophes et maritimes: et dans les relations entre les Gouverneurs-Généraux, entre les autorités de frontiére des deux Etats.

Russian Envoys may go to Peking.

Si le Gouvernement Russe jugeait nécessaire de nommer un Ministre Plénipotentiaire pour résider dans l'un des ports ouverts de la Chine, il traitera dans ses relations personnelles et sa correspondance avec les autorités chinoises locales et les Ministres à Pékin. suivant les régles générales convenues maintenant par tous les Etats étrangers.

Route to be taken for visits to Peking.

Les Envoyés de Russie pourront se rendre à Pékin en passant par Kiakhta et Ourga, soit par Takou à l'embouchure du Peiho, soit par toute autre ville ou port ouvert de la Chine. Après une notification prèalable le Gouvernement Chinois devra faire prendre immédiatement les arrangements nécessaires pour que le voyage de l'Envoyè et de sa suite fût prompt et commode. La réception dans la capitale devra se faire avec les honneurs dus à son rang; on préparera des logements convenables et lui fournira tous les objets nécessaires.

Toutes les dépenses occasionées par l'envoi des missions Diplomatiques de Russie en Chine seront supportées par le Gouvernement Russe, et ne tombent en aucun cas à la charge du Gouvernement Chinois.

Besides the places on the frontier, seven ports will open to Russian trade.

ART. III.—Dorénavant le commerce entre la Russie et la Chine pourra se faire non seulement dans les endroits fixés sur les frontières, mais encore par mer. Les navires marchands russes pourront venir commercer dans les ports suivants; Shang-hai, Ningpo, Fou-tcheou-fou, Amoy, Canton, Tai-wan-fou sur l'Ile de Formose, Khioung-tcheou-fou, sur l'Ile de Hainan.

No restrictions the number of merchants and captains. Russian subjects to conform to existing Tariffs, etc.

ART. IV.—A l'avenir il n'y aura aucune limitation de la part des deux Gouvernements quant au nombre de commerçants et des capitaines employés dans le commerce.

Dans le commerce maritime et dans tous les détails qui le concernent, savoir, les déclarations sur les marchandises importés, le payement des droits d'ancrage et des droits d'aprés le Tarif existant, etc., les sujets russes se conformeront aux réglements généraux établis pour le commerce étranger dans les ports de Chine.

Tout commerce illicite qui serait fait par les russes sera puni par la confiscation, au profit du Gouvernement Chinois, de merchandises débarquées.

Consuls.

ART. V.—Le Gouvernement Russe sera libre de nommer des consuls dans les ports ouverts au commerce.

Ships of war.

Il pourra y envoyer des navires de guerre pour maintenir l'ordre parmi les sujets russes et donner de l'appui à l'autorité du consul.

Purchase of land, etc.

Les relations entre le consul et les autorités locales, la concession d'un terrain convenable pour la construction des églises, des maisons, et des magasins, l'achat par les russes de terres chez les chinois, et toutes les transactions qui sont du ressort du consul, se feront suivant les règles générales observées par le Gouvernement Chinois dans les affaires avec les ètrangers.

Shipwrecks, Russian ships may enter ports not open to commerce for the purpose of refitting, etc.

ART. VI.—Si un bâtiment de guerre ou de commerce russe venait à se perdre sur la côte, l'autorité chinoise la plus proche porterait sur le champ assistance à l'équipage, et prendrait les measures necessaires pour la sauvetage du navire et de la cargaison. Elle facilitera aussi le transport de l'équipage et de la cargaison au port le plus proche où se trouve un consul russe on un agent d'une nation amie de la Russie, ou à la frontière, si le naufrage a eu lieu près d'elle.

Le Gouvernement Russie fera rembourser les frais occasionnés par le sauvetage de l'équipage et de la cargaison.

Dans le cas où des navires de guerre ou marchands russes se trouvaient dans la nécessité de faire des reparations, de se pourvoir

d'eau et de provisions fraiches, ils pourront entrer sur leur route dans les ports non ouverts au commerce, et acheter ce qui leur faut à de prix fixés à l'amiable et sans que les autorités locales y mettent des obstacles.

Questions between Russian and Chinese, how to be dealt with.

ART. VII.—Toute affaire entre les sujets russes et chinois dans les ports et villes ouverts sera examinée par les autorités chinoises de concert avec le consul russe ou l'agent qui représente l'autorité du Gouvernement Russe dans l'endroit. Les sujets russe coupables de quelque délit ou crime seront jugés d'après les lois russes.

De même les sujets chinois pour chaque crime ou attentat contre la vie ou la propriété d'un russe seront jugés et punis d'aprés les lois de leur pays.

Les sujets russes qui auraient pénétré dans l'intérieur de la Chine et y auraient commis quelque crime ou délit seront reconduits à la frontière, ou dans l'un des ports ouverts où réside un consul russe, pour être jugés et punis d'après les lois russes.

Chinese Christians to be protected.

ART. VIII.—Le Gouvernement Chinois, ayant reconnu que la doctrine chrétienne facilite l'établissement de l'ordre et de la concorde entre les hommes, promet de ne pas persécuter ses sujets Chrétiens pour l'exercice des devoirs de leur religion; ils jouiront de la protection accordée à tous ceux qui professent les autres croyances tolérées dans l'Empire.

Missionaries with passports may travel in the interior, etc.

Le Gouvernement Chinois considérant les missionnaires Chrétiens comme des hommes de bien qui ne cherchent pas d'avantages matériels, leur permettra de propager le christianisme parmi ses sujets et ne leur empêchera pas de circuler dans l'intérieur de l'Empire. Un nombre fixé de missionnaires partant des villes ou ports ouverts sera muni de passeports signés par les autorités russes.

Frontier lines have to be settled.

ART. IX.—Les parties non déterminées des frontières entre la Chine et la Russie devront être examinées sans délai sur les lieux mêmes.

Les deux Gouvernements nommeront à cet effet des délégués qui fixeront la ligne de démarcation et concluront là-dessus une Convention, qui sera annexé comme Article Séparé au présent Traité.

Des cartes et des descriptions détaillées de la frontière seront dressées ensuite et serviront de documents incontestables pour les temps futurs.

Russian Ecclesiastical Mission at Peking.

Freedom of movement of members at Russian Government Expenses.

ART. X.—Il n'y aura plus de terms fixe pour le séjour à Pékin de la mission ecclésiastique russe; les membres de cette mission pourront, de l'autorisation de leur Gouvernement, retourner dans leur patrie à toute époque. La place vacante pourra être occupée par un nouveau membre.

Le Gouvernement Chinois n'aura plus des dépense à faire pour l'entretien de la mission; tous les frais seront à la charge du Gouvernement Russe.

Les frais de voyage des membres de la mission, des courriers et des autres personnes que le Gouvernement Russe expédira de Kiakhta et des ports ouverts de Chine, et *vice versâ*, seront payés par le Gouvernement Russe; les autorités chinoises locales sont obligées, de leur côté, de prendre les mesures nécessaires pour que le voyage de toutes les personnes mentionnées ci-dessus soit prompt et commode.

Regular post between Kiakhta and Pekin: expenses to be divided.

ART. XI.—Un service de poste régulier sera établi entre Kiakhta et Pékin pour les communications entre les deux Gouvernements, ainsi que pour les besoins de la mission ecclésiastique russe à Pékin.

Le courrier chinois sera expédié à un jour fixe une fois par mois de Pékin et de Kiakhta, et devra, dans l'espace de quinze jours ou

moins, apporter des paquets officiels et lettres au lieu de leur destination.

De plus, chaque trois mois, ou quatre fois par an, on expédiera un convoi de Kiakhta à Pékin, et *vice versâ*, pour le transport de toute espèce d'envois et d'effets. Ce convoi devra faire le trajet dans l'espace d'un mois Toutes les dépenses occasionnées pour l'établissement et l'entretion de ces communications seront payées de moitié par les deux Gouvernements.

Most favoured nation treatment.

ART. XXII.—Tous les priviléges politiques, commerciaux, ou autres qui pourraient dans la suite être acquis par les Etats les plus favorisés par le Gouvernement Chinois, seront étendus en même temps sur la Russie sans que cela nécessité des négociations préalables.

Exchange of Ratifications.

Ce Traité sera ratifié dès à présent par l'Empereur de Chine, et après qu'il aura été ratifié par l'Empereur de Russie, l'échange des ratifications se fera à Pékin dans un an, ou plutôt si faire se peut.

Manchu text to rule.

Des copies en langues russe, mantchou, et chinoise, revêtues des signatures et des sceaux des Plénipotentiaires des deux Etats, sont échangées maintenant, et le texte mantchou servira de base pour l'interprétation de tous les Articles du Traité, qui seront observées par les deux Hautes Parties Contractantes fidèlement et inviolablement.

$\frac{1}{13}$ June, 1858.

Fait et signé dans la ville de Tien-tsin le $\frac{1}{13}$ Juin, de l'année 1858 après la naissance de Jésus-Christ, et dans la quatrième année du règne de Sa Majesté l'Empereur Alexandre II.

[L.S.] (Signé) COMTE EUPHIMIUS POUTIATINE.
[L.S.] (Signé) KOUI-LEANG.
[L.S.] (Signé) HOUACHANA.

TRAITÉ ADDITIONNEL CONCLU LE $\frac{2}{14}$ NOVEMBRE, 1860, À PÉKIN, ENTRE SA MAJESTÉ L'EMPEREUR DE TOUTES LES RUSSIES ET SA MAJESTÉ LE BOGDO-KHAN DE CHINE.

Ratifié à St. Pétersbourg, le 20 décembre, promulgué le 26 décembre, 1860.

A la suite d'une révision et d'un examen attentif des Traités existants entre la Russie et la Chine, Sa Majesté l'Empereur et Autocrate de Toutes les Russies, et Sa Majesté le Bogdokhan de l'Empire Ta-Tsing. voulant resserrer encore davantage les liens d'amitié réciproque entre les deux Empires, développer les relations commerciales et prévenir tout mesenteudu, ont résolu de stipuler quelques Articles Additionnels, et à cet effet, ont nommé pour leurs Plénipotentiaires:

Pour l'Empire de Ruesie, le Général-Major Nicolas Ignatiew, de la suite de Sa Majesté Impériale et Chevalier de plusieurs Orders; Major General Ignatiew.

Pour l'Empire, Ta-Tsing, le Prince Kong, Prince de première classe, qui porte le nom d'Y-Sing. Prince of Kung

Lesdits Plénipotentiaires, après s'être communiqué leurs pleins-pouvoirs, trouvés suffisants sont convenus de ce qui suit:

ART. I.—Pour corroborer et élucider l'Article I du Traité conclu dans la ville d'Aigoun, le 16 Mai, 1858 (8e année de Hien-Fong, 21e jour de la 4e lune) et en exécution de l'Article IX du Traité conclu le 1er Juin de la même année (3e jour de la 5e lune) dans la ville de Tien-tsin, il est établi:

Désormais la frontière orientale entre les deux Empires, à commencer du confluent des rivières Chilka et Argoun, descendra le cours de la rivière Amour jusqu'au confluent de la rivière Oussouri avec cette dernière. Les terres situées sur la rive gauche (au nord) de la rivière Amour appartiennent à l'Empire de Russie, et les terres situées sur la rive droite (au sud), jusqu'au confluent de la rivière Oussouri, appartiennent à l'Empire de Chine. Plus loin. depuis le confluent de la rivière Oussouri jusqu'au lac Hinkaï, la ligne frontière suit les rivières Oussouri et Son'gatcha. Les terres situées sur la rive orientale (droite) de ces rivières appartiennent à l'Empire de Russie, et sur la rive occidentale (gauche) à l'Empire de Chine. Plus loin, la ligne frontière entre les deux Empires, depuis le point de sortie de la rivière Son'gatcha, coupe le lac Hinkaï, et se dirige sur la rivière Bélén-ho (Tour); depuis l'embouchure de cette rivière elle suit la crête des montagnes jusqu'à l'embouchure de la rivière Houpitou (Houpton), et de là, les montagnes situées entre la rivière Khoûn-tchoun et la mer jusqu'à la rivière Thoumen-kiang. Le long de cette ligne, également, les terres situées à l'est appartiennent à l'Empire de Russie et celles à l'ouest à l'Empire de Chine. La ligne frontière s'appuie à la rivière Thou-men-kiang, à 20 verstes chinoises (li) au-dessus de son embouchure dans la mer. Eastern and Northern frontier of the two Empires defined. River Amur, Tumen, etc.

De plus, en exécution du même Article IX du Traité de Tientsin est confirmée la carte dressée à cet effet, et sur laquelle, pour plus de clarté, la ligne frontière est tracée par un trait rouge et indiquée par les lettres de l'alphabet russe. Cette carte est signée par les Plénipotentiaires des deux Empires et scellée de leurs sceaux. Chart showing delimitation.

Chinesecolonists in Russian territory to enjoy rights of hunting and fishing as before.

Dans le cas où il existerait dans les lieux sus-indiqués des terrains colonisés par des sujets chinois, le Gouvernement Russe s'engage à y laisser les habitants et à leur permetter de se livrer comme par le passé, à la chasse et à la pêche.

Après que les bornes-frontière auront été posées, la ligne de démarcation de la frontiére devra rester à jamais invariable.

Delimitation of Western frontier

ART. II.—La ligne frontière à l'ouest, indéterminée jusqu'ici doit désormais suivre la direction des montagnes, le cours des grandes rivières et la ligne actuellement existante des piquets chinois. A partir du dernier phare, nommé Chabindabaga, établi en 1728 (6me année de Young-Tching), aprés la conclusion du Traité de Kiakhta, elle se dirigera vers le sud-ouest jusqu'au lac Dsaï-sang, et de là jusqu'aux montagnes situées au sud du lac Issyk-koul, et nommées Tèngri-chan, ou Alatau des Kirghises, autrement dites encore Thian-chan-nana-lou (branches méridionales des montagnes Célestes) et le long de ces montagnes jusqu'aux possessions du Kokand.

Commission for settlement of Eastern boundary.

ART. III.—Désormais toutes les questions de frontières qui pourront surgir ultérieurement seront réglés d'après les stipulations des Articles I et II du présent Traité, et, pour la pose des bornes-frontières, à l'orient, depuis de lac Hinkaï jusqu'à la rivière Thou-men-kiang ; et à l'occident, depuis le phare Chabindabaga jusqu'aux possessions du Kokand, les Gouvernements Russe et Chinois nommeront des hommes de confiance (commissaires). Pour l'inspection des frontières orientales, les commissaires devront se réunir au confluent de la riviére Oussouri dans le courant du mois d'avril prochain (11e année de Hien-Fong, 3e lune.) Pour l'inspection de la frontière occidentale, la réunion des commissaires aura lieu à Tarbagataï, mais l'époque n'en est pas déterminée.

Charts to be drawn up.

Sur les bases fixées par les Articles I et II du présent Traite, les fonctionnaires fondés de pouvoirs (commissaires) dresseront des cartes et des descriptions détaillées de la ligne frontière, en 4 exemplaires, dont deux seront en langue russe et deux en langue chinoise ou manchoue. Ces cartes et descriptions seront signées et scellées par les commissaires, après quoi deux exemplaires, un en russe et l'autre en langue chinoise ou mantchoue, seront remis au Gouvernement Russe, et deux exemplaires semblables au Gouvernement Chinois, pour être conservés par eux.

Pour la remise des cartes et descriptions de la ligne frontière, il sera dressé un protocole corroboré par la signature et l'apposition des sceaux des commissaires, et qui sera considéré comme Article Additionnel au présent Traité.

Frontier trade to be unrestricted.

ART. IV.—Sur toute la ligne frontière établie par l'Article I du présent Traité, un commerce d'échange libre et franc de droits est autorisé entre les sujets des deux Etats. Les chefs locaux des frontières doivent accorder une protection particulière à ce commerce et à ceux qui l'exercent.

Sont en même temps confirmées par le présent les dispositions relatives au commerce établies par l'Article II du Traité d'Aïgoun.

Russian traders allowed to proceed from Kiachta to Peking, and to trade at Urga and Kalgan. Russian Consul at Urga

ART. V.—Outre le commerce éxistant à Kiakhta, les marchands Russes jouiront de leur ancien droit de se rendre de Kiakhta à Pékin pour affaires commerciales. Sur la route, il leur est également permis de commercer à Ourga et à Kalgan, sans être obligés toutefois d'y établir de commerce en gros. Le Gouvernement Russe aura le droit d'avoir à Ourga un consul (lin-tehi-khouant) accompagné de quelques personnes, et d'y construire à ses frais une habitation pour ce fonctionnaire. Quant à la concession d'un terrain pour cet édifice [illegible]lement des dimensions

de ce dernier, comme aussi à la concession d'un pâturage on devra s'entendre avec les Gouverneurs d'Ourga.

Les marchands chinois sont également autorisés à se rendre en Russie pour y commercer, s'ils le désirent.

Traders authorized to travel to and fro.

Les marchands russes ont le droit de voyager en Chine, en tout temps, pour affaires de commerce ; seulement, il leur est interdit de se réunir simultanément en nombre de plus de 200 dans le même lieu ; de plus, ils doivent être munis de billets de l'autorité russe à la frontière, indiquant le nom du chef de la caravane, le nombre des hommes dont elle se compose et le lieu de sa destination. Pendant le voyage, ces marchands ont la faculté d'acheter et de vendre tout ce qui leur convient. Tous les frais de leur voyage sont à leur charge.

Kashgar opened experimentally to trade. Settlement area to be assigned.

ART. VI.—A titre d'essai, le commerce est ouvert à Kachgar, sur les mêmes bases qu'à Ili et à Tarbagataï. A Kachgar, le Gouvernement Chinois céde un terrain suffisant pour la construction d'une factorerie avec tous les édifices nécessaires, tels que maisons d'habitation, magasins pour le dépôt des marchandises, église, etc., ainsi qu'un terrain pour le cimetière, et un pâturage, comme à Ili et à Tarbagataï. Les orders seront donnés immédiatement au Gouverneur du pays de Kachgar pour la concession desdits terrains.

Le Gouvernement Chinois ne répond pas du pillage des marchands russes commerçant à Kachgar, dans le cas où ce pillage aurait éré commis par des gens venus d'au-delà des lignes des postes de garde chinois.

Trade to be mutual and unrestricted.

ART. VII.—Dans les lieux ouverts au commerce, les russes en Chine, comme les sujets chinois en Russie, peuvent se livrer en pleine liberté aux affaires commerciales, sans aucune vexation de la part des autorités locales ; fréquenter avec la même liberté et en tout temps les marchés, les boutiques, les maisons des marchands du pays ; vendre et acheter diverses marchandises en gros et en détail, au comptant ou par échanges ; les livrer et recevoir à crédit, selon leur confiance réciproque.

La durée du séjour des marchands dans les lieux où se fait le commerce n'est pas déterminée et dépend de leur libre arbitre.

Mutual protection to subjects of either Government.

ART. VII.—Les marchands russes en Chine et les chinois en Russie sont placés sous la protection spéciale des deux Gouvernements. Pour surveiller les marchands et prévenir les malentendus qui pourraient survenir entre eux et les habitants du pays, il est loisible au Gouvernement Russe de nommer des à present des consuls à Kachgar et à Ourga, sur la base des règles adoptées pour Ili et Tarbagataï. Le Gouvernment Chinois peut également, s'il le désire, nommer des consuls dans les capitales et autres villes de l'Empire de Russie.

Russian Consuls.

Chinese Consuls

Les consuls de l'une et de l'autre Puissance sont logés dans des édifices construits aux frais de leurs Gouvernements respectifs. Toutefois, il ne leur est pas défendu de louer, si cela leur convient, des logements chez les habitants du pays.

Functions of Consuls.

Dans leurs relations avec les autorités locales, les consuls des deux Puissances observent une égalité parfaite, en exécution de l'Article II du Traité de Tientsin. Toutes les affaires concernant les marchands de l'un et de l'autre Empire sont examinées par eux de gré à gré ; les crimes et délits doivent être jugés, comme il est réglé par l'Article VII du Traité de Tien-tsin, d'après les lois de l'Empire dont le coupable est sujet.

Commercial suits, arbitration.

Les litiges, revendications et autres malentendus de même nature, survenant entre marchands à propos d'affaires commerciales, seront réglés par les marchands eux mêmes, au moyen d'arbitres choisis parmi

eux ; les consuls et les autorités locales doivent se borner à coopérer à l'arrangement à l'amiable, sans prendre aucune responsabilité relativement aux revendications.

Enforcement of contracts.

Dans les lieux où le commerce est autorisé. les marchands de l'un et de l'autre Empire peuvent contracter des engagements par écrit pour des commandes de marchandises, la location de boutiques, maisons, etc., et les présenter à la légalisation du consulat et de l'administration locale. En cas de non-exécution d'un engagement écrit, le consul et le chef local prennent des mesures pour amener les parties à remplir exactement leurs obligations.

Joint investigation of complaints.

Les contestations qui ne se rapportent point à des affaires de commerce entre marchands, telles que litiges, plaintes, etc., sont jugées de consentement mutuel par le consul et le chef local, et les délinquants sont punis d'après les lois de leur pays.

Mutual extradition.

En cas de recel d'un sujet russe parmi les chinois, ou de sa fuite dans l'intérieur du pays, l'autorité locale, aussitôt après en avoir été informée par le consul russe, prend immédiatement des mesures pour fair rechercher le fugitif, et aussitôt après l'avoir découvert le remet au consulat russe. La même marche doit également être observée relativement à tout sujet chinois qui se cacherait chez des russes ou se serait enfui en Russie.

Crime. Punishmentofoffenders

Dans les cas de crimes graves, tels que meurtre, brigandage avec de graves blessures, attentat contre la vie, incendie prémédité, etc., après enquête, si le coupable est russe, il est envoyé en Russie pour être traité selon les lois de son pays, et s'il est chinois, sa punition lui est infligée par l'autorité du lieu où le crime à été commis, ou bien, si les lois de l'Etat l'exigent, le coupable est envoyé dans une autre ville ou une autre province pour y recevoir son châtiment.

Joint investigation of criminal cases.

En cas de crime, quelle qu'en soit la gravité, le consul et le chef local ne peuvent prendre les mesures nécessaires que relativement au coupable appartenant à leur pays, et ni l'un ni l'autre n'a le droit d'incarcérer ni de juger séparément, et encore moins de châtier un individu non sujet de son Gouvernement.

Modification of rules relating to exchange of official correspondence.

ART. IX.—L'étendue que prennent actuellement les relations commerciales entre les sujets des deux Puissances, et la fixation de la nouvelle ligne des frontières rendent désormais inapplicable les anciennes règles établies par les Traités conclu à Nertchinsk et à Kiakhta, et par les Conventions que leur ont servi de compléments ; les relations des autorités des frontières entre elles et les règles établies pour l'examen des affaires de frontières ne répondent également plus aux circonstances actuelles. En conséquence, en remplacement de ces règles, il est établi ce qui suit :

Désormais, outre les relations qui existent à la frontière orientale, par Ourga et Kiakhta, entre le Gouverneur de Kiakhta et les autorités d'Ourga, et à la frontière occidentale, entre le Gouverneur-Général de la Sibérie Occidentale et l'administration d'Ili, il y aura encore des relations des frontières entre les Gouverneurs militaires de la province de l'Amour et de la province maritime et les tsiang-kiun (Commandants-en-chef) de Hé-loung-kiang et de Kirin, et entre le Commissaire des frontières de Kiakhta et le dzargoutcheï (pou-youèn), d'après le sens de l'Article VIII du présent Traité.

Conformément à l'Article II du Traité de Tien-tsin, les Gouverneurs militaires et Commandants-en-chef (tsiang-kiun) ci-dessus nommés doivent observer une égalité parfaite dans leurs relations, et sont tenus de ne les

entretenir que pour les affaires dans lesquelles leurs administration est directement intérsessée.

En cas d'affaires d'une importance particulière, le Gouverneur-Général de la Sibérie Orientale a le droit d'entretenir des relation par écrit, soit avec le Conseil Suprême (kiun-ki-tchou), soit avec la Cour des Relations Extérieures (Li Fan-yuèn), comme principale autorité administrative dirigeant les relations et l'administration des frontières.

Criminal delinquents to be punished according to law of their own country.

ART. X.—Dans l'instruction et la décision des affaires de frontières, de quelque importance qu'elles soient, les chefs des frontières se conformeront aux règles énoncées en l'Article VIII du présent Traité ; quant aux enquêtes concernant les sujets de l'un et de l'autre Empire, et aux châtiments à leur infliger, ils s'effectueront, ainsi qu'il est dit en l'Article VII du Traité de Tien-tsin, d'après les lois du pays auquel appartient le coupable.

Straying or robbery of cattle on frontier.

En cas de passage, détournement ou enlèvement de bétail au delà de la frontière, les autorités locales, aussitôt qu'elles en auront, été informées et que les traces auront été indiquées au gardien du poste frontière le plus proche, enveront des hommes chargés de faire des recherches. Le bétail retrouvé sera immédiatement restitué, et s'il en manque quelques pièces, la répétition en sera exercée conformément aux lois; mais dans ce cas l'indemnité à payer ne doit pas être élevée à plusieurs fois la valeur du bétail manquant (ainsi que cela se pratiquait auparavant).

Extradition of fugitives.

En cas de fuite d'un individu au delà des frontières, à la première nouvelle, des mesures sont immédiatement prises pour rechercher le transfuge. Le fugitif saisi est livré sans délai, avec tous les objets qui lui appartiennent, à l'autorité de la frontière: l'examen des motifs de la fuite et le jugement de l'affaire elle-même s'effectuent par l'autorité locale du pays auquel appartient le transfuge, la plus rapprochée des frontières. Pendant tout le temps de son séjour au delà des frontières, depuis son arrestation jusqu'à son extradition, le transfuge est convenablement nourri et, en cas de besoin, vêtu ; la garde qui l'accompagne doit le traiter avec humanité et ne doit pas se permettre d'actes arbitraires à son égard. On devra en agir de même à l'égard du transfuge au sujet duquel il n'aurait été donnée aucun avis.

Method of address and dispatch of official communications

ART. XI.—Les communications par écrit entre les autorités supérieures des frontières de l'un et de l'autre Empire ont lieu par l'entremise des fonctionnaires les plus voisins de la frontière, à qui les dépêches expediées sont remises contre récépisses.

Le Gouverneu-Général de la Sibérie Orientale et le Gouverneur de Kiakhta envoient leurs dépêches au commissaire des frontières à Kiakhta, qui les remet au dzargoutcheï (pou-youèn); les Gouverneurs d'Ourga expédient les leur au dzargoutcheï (pour-youèn), qui les remet au commissaire des frontières de Kiahta.

Le Gouverneur Militaire de la Province de l'Amour envoi ses dépêches par l'adjoint (fou-dou-toun) du Commandant-en-chef (tsiang-kiun) dans la ville d'Aïgoun, par l'entremise duquel les Commandants-en-chef (tsiang-kiun) de Héloung-kiang et de Kirin et de Kirin transmettent les leurs au Gouverneur Militaire de la Province de l'Amour.

Le Gouverneur Militaire de la Province maritime et le Commandant-en-chef (tsiang-kiun) de Kirin se transmettent réciproquement leurs dépêches par l'entremise de leurs chefs de postes frontières sur les rivières Oussouri et Khoûn-tchoun.

La transmission des correspondences entre le Gouverneur-Général de la Sibérie Occidental et l'administration supérieure ou le Commandant-en-chef (Tsiang-kiun) d Ili s'effectue par l'entremise du consul de Russie dans la ville d'Ili (Kouldja).

En cas d'affaire d'une importance particulière exigeant des explications verbales, les autorités supérieures des frontières de l'un et de l'autre Empire peuvent s'expédier réciproquement leurs dépêches par des fonctionnaires russes de confiance.

Letter and parcel posts between Kiachta and Peking.

ART. XII.—Conformément aux dispositions de l'Article XI du Traité de Tien-tsin, les postes aux lettres et aux colis expediées pour affaires de service les Kiakhta à Pekin, et retour, partiront aux epoques ci-dessous, savoir: les postes aux lettres, une fois chaque mois de chacun des deux points, et les postes aux colis, une fois tous les deux mois de Kiakhta pour Pékin, et une fois tous les trois mois de Pékin pour Kiakhta.

Les postes aux lettres doivent arriver à leur destination en 20 jours au plus, et les postes aux colis en 40 jours au plus.

A chaque voyage, la poste aux colis ne doit pas être chargée de plus de 20 caisses ne pesant pas plus de 120 livres chinoises (ghin) ou 4 pouds chacune.

Les postes aux lettres doivent être expédiées le jour même où elles ont été remises; en cas de retard, il y aura une enquête et une punition sévère.

Le postillon expédié avec les postes aux lettres et aux colis doit se présenter au consulat de Russie à Ourga, y remettre les lettres et colis adressés aux personnes résidant en cette ville, et recevoir d'elles les lettres et colis qu'elles auraient à expédier.

A l'expédition des postes aux colis, les caisses dont elles sont chargées doivent être accompagnées de lettres de voiture (tsin-tan). De Kiakhta, les lettres de voiture, accompagnées d'un office, sont adressées au Gouverneur d'Ourga, et de Pékin, également avec un office, à la cour des relations extérieures (Li Fan-youèn).

Les lettres de voiture indiquent exactment la date de l'expédition, le nombre des caisses et leur poids total. Le poids spécial de chaque caisse doit être inscrit sur l'enveloppe même de la caisse, en chiffres russes, avec leur traduction en poids mongol ou chinois.

Private postal service sanctioned.

Si les marchands russes jugent nécessaire, pour les besoins de leurs affaires de commerce, n'établir à leurs frais un service de poste pour le transport de leurs lettres ou de leurs marchandises, la faculté leur en sera accordée, afin d'alléger le service de la poste de l'Etat. En cas d'établissement d'une communication postale, les marchands doivent simplement en prévenir l'autorité locale pour obtenir son assentiment.

ART. XIII.—Les correspondances ordinaires du Ministre des Affaires Etrangères de Russie pour le Conseil Suprême (kiun-ki-tchou) de l'Empire Ta-Tsing, et celles du Gouverneur-Général de la Sibérie Orientale pour le même conseil ou pour la cour des relations extérieures (Li Fan-youén) sont expediées de la manière par la poste, mais sans être astreintes aux époques fixées pour le depart de celle-ci; en cas d'affaires d'une importance particulière ces correspondances peuvent être expédiées par un courrier russe.

Special Couriers.

Pendant le séjour des envoyés russes à Pékin, les dépêches d'une importance spéciale peuvent également être expédiées par un fonctionnaire russe expressément désigné à cet effet.

Les courriers russes ne doivent être retenus nulle part en route, ni par qui que ce soit.

Le courrier chargé de transporter des depêches doit absolument être sujet russe.

L'expédition d'un courrier est annoncée 24 heures d'avance, à Kiakhta, par les commissaire au dzargoutcheï (ping-youèn) et à Pékin par la mission russe à la cour militaire (ping-pou).

Revision of regulations affecting land trade.

ART. XIV.—Si, ultérieurement, quelqu'une des stipulations relatives au commerce de terre arrêtées par le présent Traité offre des inconvénients à l'une ou à l'autre Partie, le Gouverneur-Général de la Sibérie Orientale est autorisé à s'entendre avec les autorités supérieures des frontières de l'Empire Ta-Tsing et à conclure avec elles des Conventions additionnelles, en se conformant dans tous les cas aux principes posés ci-dessus.

L'Article XII du Traité de Tien-Tsin est en même temps confirmé et ne doit subir aucune altération.

Exchange of Treaties and Ratifications.

ART. XV.—Ayant arrêté d'un commun accord les dispositions ci-dessus, les Plénipotentiaires des Empires de Russie et de Chine ont signé de leur main et scellé de leur sceau deux exemplaires du texte Russe du Traité et deux exemplaires de sa traduction en langue chinoise, et se sont réciproquement remis d'un à l'autre un exemplaire de l'un et de l'autre.

Les Articles du présent Traité ont force légale à dater du jour de leur échange entre les Plenipotentiares de l'un et de l'autre Empire, comme s'ils étaient insérés mot pour mot dans le Traité de Tien-Tsin, et doivent être à toujours exécutés fidélement et inviolablement.

Après avoir été ratifié par les Souverains des deux Empires, ce Traité sera promulgué dans chacun des deux Etats, pour la connaissance et la gouverne de qui il appartiendra.

Conclu et signé dans la ville capitale de Pekin, le $\frac{2}{14}$ Novembre, 1860, de l'ère Chrétienne,, et 6e année du règne de l'Empereur Alexandre II, et le 2e jour de la 10e lune de la 10e année de Hien-Fong. $\frac{2}{14}$ Nov., 1860.

[L.S.] (Signé) NICOLAS IGNATIEW.

[L.S.] (Signé) KONG.

Protocol de l'Échange du Traité Additionnel de Pékin.

Le $\frac{2}{14}$ novembre de l'an 1860, les Hautes Plénipotentiaires : pour l'Empire de Russie, le Général-Major Ignatiew, de la suite de Sa Majesté Impériale et Chevalier de plusieurs orders ; pour l'Empire Ta-Tsing, le Prince Kong, Prince de première classe, suivis de leurs secrétaires et interprètes, se sont réunis à 4 heures après-midi, dans une des salles du collège ecclèsiastique Russe situé vers le sud, à l'effet de procèder à la signature et à l'échange du Traité conclu aujourd'hui et devant servir de complément au Traité de Tien-Tsin de l'année 1858.

En premier lieu il a été fait lecture de l'édit du Bogdokhan, dans lequel il est déclarè que Sa Majesté confirme mot pour mot le projet de Traité Additionnel. en 15 Articles, soumis à sa ratification ; qu'elle promet de l'exécuter fidèlement et inviolablement, et ordonne à Kong-tsing-wan d'apposer le sceau et de signer le Traité Additionnel qui a été conclu. Kon-tsing-wang ayant ensuite déclaré que cet édit suffit en tout point pour que la délimitation des deux Empires et les autres Articles du Traité soient considérés comme définitivement ratifiés par le Bogdokhan, le Plénipotentiaire de Russie a déclaré que, de son côté, il

consentait à considérer le Traité comme ratifié par le Bogdokhan, et qu'il était prêt à signer immédiatement le Traité et à effectuer l'échange des exemplaires. En conséquence, les deux Plénipotentiaires ont signé deux exemplaires du Traité en langue russe et deux exemplaires en langue chinoise, et y ont fait apposer leurs sceaux. A la suite de quoi le Général-Major Ignatiew a remis entre les mains du Prince de première classe Kong l'instrument de Traité, transcrit dans les deux langues, et le Prince de premiére classe Kong, ayant reçu le Traité, a remis à son tour au Plénipotentiaire de Russie l'instrument du Traité également transcrit dans les deux langues.

L'échange des exemplaires du Traité ayant été effectué, les Plénipotentiaires ont signé le présent procès-verbal, en deux exemplaires, à Pékin, dans une des salles du Collége Ecclésiastique Russe, situé vers le sud.

[L.S.] (Signé) NICOLAS IGNATIEW.

[L.S.] (Signé) KONG.

CONVENTION FOR THE LAND TRADE BETWEEN RUSSIA AND CHINA.

Signed, in the Russian and Chinese Languages, at Peking, 20th February, O.S., (4th March, 1862).

This agreement, negotiated between the Minister Plenipotentiary of Russia, M. de Balluzeck, and the Yamên of Foreign Affairs at Peking, in pursuance of Art. XIV of the Treaty concluded with Major-General Ignatiew in 1860, was comprised in twenty-one articles, to which a tariff of duties, to be levied on Russian textile fabrics, furs of different descriptions, and Chinese produce, was appended. The Convention of 1869, printed below, supersedes this instrument, of which it reproduces all the essential features.

[Translated from the Chinese.]

REVISED CONVENTION FOR THE LAND TRADE BETWEEN RUSSIA AND CHINA.

Signed, in the Russian and Chinese Languages, at Peking, April $\frac{5}{17}$, 1869.

Whereas on the 4th day of March (20th Febrnary, O.S.,) in the year 1862, certain Regulations for the frontier trade between Russia and China were drawn up and declared to be in force, experimentally, for a period of three years; and whereas the said period has now expired, it has been agreed in concert between the Prince of Kung and the Ministers of the Yamên of Foreign Affairs of the Empire of China on the one part, and General A. Vlangaly, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Czar of Russia on the other part, that the said Regulations shall be amended as follows:—

Prince of Kung and Yamen of Foreign Affairs.

General A. Vlangaly.

IMPORT TRADE.

ART. I.—No duties shall be levied upon trade on the frontier of the two countries within the limit of a hundred li (30 miles).

No duties levied on frontier trade limits.

It shall be at the option of either Government to adopt measures of supervision in accordance with its own frontier regulations.

Measures of supervision.

ART. II.—Russian merchants shall be at liberty to proceed to all parts of Mongolia subject to China in which (Chinese) officers are stationed, as also to all the tribes under the Government of the said officers, for purposes of trade, and shall likewise be exempt from the levy duty. China will throw no impediment whatever in the way of Russian merchants wishing to proceed for purposes of trade to

Russian merchants permitted to trade in Mongolia free of duty.

parts of Mongolia where no Chinese officers are stationed, but such merchants must be provided with certificates issued by the frontier authorities of their own Government, such certificates to be stamped in Russian, Chinese and Mongolian characters, specifying the name of the bearer, the description of his merchandise and its packages, and the number of camels, oxen and horses he takes with him. This certificate is to be presented for inspection at the first Chinese frontier-post arrived at, where it shall be attested either by stamping or by signature.

In the event of persons being found without such passport, their merchandise shall be confiscated, and they shall themselves be dealt with in conformity with the provision of the tenth article of the Treaty of Peking, relating to the apprehension and return of refugees. The Consuls will exercise a strict supervision to prevent Russian subjects unprovided with passports from proceeding [into Chinese territory] to trade.

Transit certificates.

ART. III.—Russian merchants transporting Russian merchandise to Tientsin must be provided with certificates stamped by the Russian frontier-officers and Chinese Residents at Kiachta, such certificates to specify in Russian and Chinese the name of the said merchant and his attendants, the description of his cargo and number of packages.

Route.

Caravans of this class shall be permitted to travel only by way of Kalgan, Tung Pa and T'ung Chow direct to Tientsin. The Chinese officials at all Customs' stations on the line of travel shall be authorized

Examination of goods.

to take note of the number of packages and to examine their contents without delay, and to examine the transit certificate and affix their stamp to the same, granting passage thereupon. If the packages are opened for inspection of their contents at any Custom's station, they shall, on completion of the search, be repacked again under seal by the Customs, and a note shall be made on the certificate stating the number of packages opened. The inspection to be made by the Customs shall not occupy a longer time than two hours. The certificate shall be surrendered and cancelled at the Customs at Tientsin within six months [from the date of issue].

Substitute for certificates in case of loss.

If any certificate be lost, the bearer shall make report forthwith to the authority by whom the document was issued, specifying the date and number of the missing certificate. A duplicate shall thereupon be issued to the applicant without delay, upon which the word "Substitute" shall be endorsed, and report shall at the same time be made at the nearest Custom-house, where, on inspection [of the merchandise] and on finding the same to be correct, a temporary pass shall be issued, enabling the bearer to proceed, in order to obviate delay. If the report and application for the pass be made at Kalgan, security shall be given on the part of the applicant by the Russian merchants at that place, before the pass is issued.

If on arrival at Tientsin the description of merchandise or the number of packages is found not to agree with the substitute for the original certificate, the case shall be dealt with in conformity with Art. VII, the firm concerned being held responsible, and the lost certificate shall become null and void.

Merchandise from Kiachta to Tientsin may be deposited in part at Kalgan and there sold; duty to be paid.

ART. IV.—Russian merchants transporting merchandise from Kiachta, shall be authorized on their passage through Kalgan to deposit at that place a portion of the merchandise bound for Tientsin, to be sold on the spot. Report must be made within three days to the Superintendent of Customs, who will issue a permit accordingly. Merchandise to be stopped at Kalgan shall pay duty before it is

permitted to be sold. It shall not be necessary, however, to appoint a Consul or to establish mercantile firms [lit., hongs and store houses] at the said place.

ART. V.—Russian merchants transporting Russian merchandise shall on their arrival at Tientsin pay import duty at the rate of one-third less than that specified in the general foreign tariff. This shall be paid at Tientsin. Merchandise left at Kalgan shall pay import duty at the place according to the general foreign tariff. Rate of Import duty at Tientsin.

ART. VI.—Any Russian merchandise which shall have been left behind at Kalgan, and having paid duty at that place, and having received the duty certificate, may, if not disposed of, be transported by the merchant to T'ung Chow or Tientsin for sale, and shall pay no further duty. The Russian merchant shall also in such case have refunded to him the extra one-third duty paid at Kalgan. A certificate to this effect shall be issued to him from the Customs at that place. Rate of Import duty on Russian merchandise left at Kalgan.

ART. VII.—If it be found on the arrival of Russian merchandise, brought by a Russian merchant to Tientsin, that any of the goods, beside those reported for stoppage at Kalgan, have been disturbed or exchanged, or if the amount of merchandise to be left at Kalgan be found incorrect, the whole of the merchandise belonging to the person guilty of the breach of regulations shall be confiscated. Merchandise unsold at Kalgan may be transported to T'ung Chow or Tientsin; refund of extra duty paid.

In the event of any actual damage accruing on the journey to the bales or boxes containing merchandise, rendering fresh packing necessary, report of the same shall be made at the first Custom-house reached after the repacking has taken place, when, if the description of merchandise be found correct, an endorsement to that effect shall be made upon the certificate, and the bearer shall thereupon be exempt from the infliction of a penalty. Russian merchandise disturbed or exchanged en route—penalty; diverging from specified route—penalty.

If any person repairs to other places apart from the direct route, travelling by a road other than that specified in Art. III, and disposes of his merchandise in an irregular manner, on the identity of a person guilty of a breach of the regulations being ascertained, the whole of his merchandise shall be confiscated. In cases where the offender has merely diverged from the direct route and has not trafficked in merchandise, he shall be punished by the levy of the amount of the full duty on the goods.

Where merchandise shall have become subject to confiscation, if the owner be willing to compound by payment of its value, arrangement must be made by consultation with the Chinese authorities, and it shall be allowable to pay over to the authorities such sum as may be justly estimated as the value of the goods. Compounding in cases of confiscation.

ART. VIII.—Russian merchants transporting Russian merchandise by sea from Tientsin to any of the other ports, shall make good at Tientsin the one-third Tariff duty, remission of which they have previously been granted, and shall pay no further duty on arrival at another port. Any merchandise carried into rhe interior from Tientsin or any other port shall pay an additional outport duty in conformity with the general foreign tariff (*i.e.*, one-half of the Tariff duty). Russian merchandise transported by sea from Tientsin to another port or carried into the interior from any ports, what duty payable.

EXPORT TRADE.

ART. IX.—Russian merchants purchasing Chinese merchandise at any of the Treaty ports and exporting or importing the same, as also on importation or exportation, by the sea-route, of foreign goods brought from Russia, shall submit to the general regulations in force with reference to foreign trade. Russian merchants shall submit to the general regulations in force for foreign trade.

Chinese merchandise transported viâ Tientsin to Russia, having paid full duty, shall be liable to no further duty. Sale in transitu prohibited. Examination en route.

ART. X.—Russian merchants transporting Chinese merchandise from any of the ports by way of Tientsin en route to Russia, and not retaining the same for sale at Tientsin, if provided with documents certifiying that the full duty has been paid elsewhere, shall be liable to no further levy at Tientsin. The Russian Consul at that port will issue a certificate in Russian and Chinese to be stamped by the Customs at Tientsin setting forth the bearer's name, the description of merchandise, and the number of packages, which shall enable the goods to be transported to Kiachta without further levy of duty. The merchants shall be required to follow the route laid down in Art. III, and the disposal of merchandise in transitu shall be prohibited. Any infraction of these provisions shall be dealt with in comformity with Art. VII.

Surrender of Transit Certificate, place and time

The merchandise shall be subject to examination on its passage through T'ung Chow, T'ung-pa, and Kalgan, as provided in Art. III. The transit pass shall be surrendered at Kiachta within six months of the date of issue; or if any delay interposes, report must be made within the stipulated period to the Consul and the local authorities. A penalty shall be inflicted in case of violation of this rule. In the event of loss of the transit certificate by the holder, measures shall be taken as provided in Art. III.

Merchandise purchased in the interior for overland transportation to Russia, what duty certificate to be issued. Sale en route forbidden.

ART. XI.—Russian merchants purchasing at Tientsin, T'ung Chow, or elsewhere, Chinese merchandise brought from the interior, and intending to transport the same to Russian territory by the land route prescribed in Art. III, shall pay the full duty as laid down in the general foreign tariff, receiving a certificate for the same, after which no further levy of duty shall be incurred. Such merchandise must not be disposed of en route.

Chinese re-imports sent overland from Tientsin to Russia,—duty rule. Half duty on re-importation, etc., at Tientsin to be refunded. Sale en route forbidden. Transit certificates, etc., as in Art. X.

ART. XII.—Russian merchants purchasing at Tientsin Chinese re-imports to be conveyed overland to Russian territory, shall pay no further duty if the merchandise in question has already paid the full duty at the original port (of shipment), and is removed from Tientsin within the period of one year for conveyance to Russia in full compliance with all the existing regulations under this head. The half-duty paid on re-importation and storage at Tientsin shall further be refunded by means of a Drawback certificate. Such merchandise shall not be disposed of en route. Transit certificates shall be issued in such cases and all other steps be taken as is provided in Art. X.

[NOTE.—On any change being agreed upon hereafter between China and other powers respecting tbe levy of duty on re-imports at Tientsin, Russia will adopt the same alteration].

Chinese produce purchased at T'ung Chow for conveyance to Russia—duty rule. Certificate issued. Sale forbidden en route.

ART. XIII.—Russian merchants purchasing Chinese produce at T'ung Chow for conveyance to Russian territory, shall give uotice in advance at Tung-pa, and pay full duty according to the general foreign tariff. On receipt of the duty at Tung-pa a certificate shall be issued specifying tbe description of merchandise and number of packages. Such merchandise shall not be disposed of en route.

Chinese produce purchased at Kalgan for conveyance to Russia—duty rule.

ART. XIV.—Russian merchants purchasing Chinese produce at Kalgan for conveyance to Russian territory shall pay export duty thereupon at the rate of the outport or coast trade duty (*i.e.*, half the full duty) in the general foreign tariff. On this being paid at Kalgan a certificate shall be issued by the Customs there, and no further levy shall thereafter be made. Such merchandise shall not be disposed of en route.

ART. XV.—Russian merchants purchasing either at Tientsin or at other ports, foreign merchandise coming from other countries for

conveyance overland to Russian territory, shall not be subject to further levy of duty if the foreign importer has already paid the tariff duty and half-duty, and holds a duty receipt in testimony thereof. If only the import duty has been paid, and not the coast trade duty, the Russian purchaser shall make good the half-duty by payment at the Custom-house in accordance with the general foreign tariff. Certificate issued. Sale on route forbidden.

ART. XVI.—Russian merchants conveying merchandise to Russian territory by way of Tientsin, T'ung Chow and Kalgan, must have their goods accompanied by the Customs' permit for purposes of examination. All matters relating to the period specified for the surrender of the Transit Certificate and proceedings in case of the loss of this document shall be conducted in conformity with Art. X. Foreign merchandise purchased at the ports for conveyance overland to Russia,—duty rule Customs permit to accompany goods in transitu.

GENERAL PROVISIONS.

ART. XVII.—The provisions contained in the second article of regulations for trade appended to the foreign tariff shall be equally applied to the overland trade on the part of Russian merchants. Provisions for the overland trade on the part of Russian merchants.

ART. XVIII.—In the event of Russian merchants being guilty of acts of smuggling or of the carriage of prohibited articles such as are specified in Arts. III and V of the general tariff regulation, the merchandise in question shall likewise be confiscated. Merchants carrying weapons for their own defence shall make report of the same to their own authorities, whereupon an entry will be made upon the Transit Certificate. Confiscation for smuggling. Weapons for defence.

One military weapon will be allowed to each person.

ART. XIX.—Foreign or Chinese merchandise of any description not enumerated in the general foreign tariff, shall be dealt with in accordance with the Russian Supplementary Rules agreed upon at Tientsin. Foreign or Chinese unenumerated merchandise duty rule.

Goods unenumerated in both the Supplementary Rules and the general tariff shall pay duty at the rate of 5 per cent ad valorem, in conformity with the rules applicable to other nationalities.

ART. XX.—Russian merchants shall not lend their protection to Chinese merchants for the conveyance of goods from one port to the other. Russian merchants shall not protect Chinese merchants in the conveyance of goods from port to port.

ART. XXI.—The Chinese authorities shall be at liberty in conformity with the General Rule applicable to all other powers to devise and carry into effect from time to time all such measures as may be necessary for the stringent prevention of smuggling. Measures for the prevention of smuggling.

ART. XXII.—The regulations now agreed upon shall continue in force for the period of five years, on the expiry of which period, if either the Russian or Chinese Government be desirous of a revision, six month's notice previous to the expiry of the said period shall be given. If no notice be given by the time the period has expired, the present Regulations shall continue in force for a further period of five years, after which time their revision shall be conducted during the period of six months [antecedent to their expiry]. Any points of importance or presenting objectionable features, shall forthwith be taken jointly into consideration and made subject to alteration before the expiry of the period assigned above. These regulations may be revised after five years on six months' notice being given. Notification of these Articles.

The above Articles having been agreed to and signed by the high Commissioners of the two contracting Powers, and stamped with their respective seals, shall be notified to all concerned for general observance.

GERMANY.

TRAITÉ D'AMITIÉ, DE COMMERCE ET DE NAVIGATION ENTRE LES ETATS DE L'ASSOCIATION DE DOUANES ET DE COMMERCE ALLEMANDE, LES GRAND-DUCHÉS DE MECKLEMBOURG-SCHWERIN ET DE MECKLEMBOURG-STRÉLITZ ET LES VILLES HANSÉATIQUES DE LUBECK, BRÊME ET HAMBOURG D'UNE PART ET LA CHINE D'AUTRE PART.

Signed, in the German, French, and Chinese Languages, at Tientsin, 2nd September, 1861.

Ratification exchanged at Shanghai, 14th January, 1863.

Sa Majesté le Roi de Prusse, agissant tant en son nom qu'au nom des autres membres de l'association de douanes et de commerce Allemande, savoir:

La Couronne de Bavière, la Couronne de Saxe, la Couronne de Hannovre, la Couronne de Wurttemberg, le Grand-Duché de Bade, l'Electorat de Hesse, le Grand-Duché de Hesse, le Duché de Brunswick, le Grand-Duché d'Oldenbourg, le Grand-Duché de Luxembourg, le Grand-Duché de Saxe, les Duchés de Saxe-Meiningen, de Saxe-Altenbourg et de Saxe Coburg et Gotha, le Duché de Nassau, les Principautés de Waldeck et Pyrmont, les Duchés d'Anhalt-Dessau-Coethen et d'Anhalt Bernbourg, la Principauté de Lippe, les Principautés de Schwarzbourg-Roudolstadt et Schwarzbourg-Sondershausen, de Reuss ligne ainée et de Reuss ligne cadette, la ville libre de Francfort, le Grand-Baillage de Meisenheim du Landgraviat de Hesse et le Baillage de Hombourg du Landgraviat de Hesse, ainsi que les Grand-Duchés de Mecklembourg-Schwerin et de Mecklembourg-Strélitz et les Sénats des villes Hanséatiques de Lubeck, Brême et Hambourg d'une part, et Sa Majesté l'Empereur de Chine d'autre part, sincèrement desireux d'établir des rapports d'amitié entre les susdits Etats et la Chine, ont voulu les consolider par un traité d'amitié de commerce et de navigation, réciproquement avantageux et utile aux sujets des Hautes Puissance Contractantes; à cet effet ont désigné pour leurs Plenipotentiaires:

Plenipotentiaries.

Comte d'Eulenburg.

Chung Lun.

Chung How.

Sa Majesté le Roi de Prusse son Chambellan le Sieur Frédéric Albert, Comte d'Eulenburg, Envoyé Extraordinaire et Ministre Plénipotentiaire, Chevalier de l'ordre de l'aigle rouge de la troisième class., avec le noeud, Chevalier de l'ordre de St. Jean de Jérusalem, etc., etce etc.; et Sa Majesté l'Empereur de Chine Tchong-luen, Membre assistant du Ministère des Affairs Etrangéres de Pékin, Directeur-Général des Greniers publics et Commissaire Impérial; Tchong-heou, sous-Secrétaire d'Etat Honoraire, Surintendent des trois ports du Nord et Commissaire Impérial adjoint, lesquels, après avoir échangé leurs pleins pouvoirs et les ayant trouvés en bonne et due forme, ont arrêtés les articles suivants:

Reciprocity of friendship and protection.

ART. I.—Il y aura paix constante et amitié perpétuelle entre les Etats contractants. Leurs sujets jouiront dans les Etats respectifs des uns et des autres d'une pleine et entière protection pour leurs personnes et leurs propriétés.

Appointment of Diplomatic Agents.

ART. II.—Sa Majesté le Roi de Prusse pourra, si bon lui semble, accréditer un agent diplomatique près la cour de Pekin et Sa Majesté l'Empereur de Chine pourra de même, si bon lui semble, accréditer un agent diplomatique près la cour de Berlin.

L'Agent diplomatique accrédité par Sa Majesté le Roi de Prusse aura le droit de représenter diplomatiquement les autres Etats Allemands contractants qui d'après le présent traité n'ont pas le droit de se faire représenter près la cour de Pékin par un Agent diplomatique spécial.

Sa Majesté l'Empereur de Chine consent à ce que l'Agent diplomatique accrédité par Sa Majesté le Roi de Prusse, ainsi que sa famille et les gens de sa maison, résident à demeure fixe à Pekin, ou s'y rendent éventuellement au choix du gouvernement Prussien.

Diplomatic Agents enjoy all privileges, etc., accorded by international usage.

ART. III.—Les Agents diplomatiques de Prusse et de Chine jouiront réciproquement, dans le lieu de leur résidence, des privilèges et immunités que leur accorde le droit des gens; leur personne, leur famille, leur maison et leur correspondance seront inviolables. Ils ne pourront pas être restreints dans le choix ni dans l'emploi de leurs employés, courriers, interprètes, serviteurs, etc., etc.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques seront supportées par les gouvernements respectifs.

Les autorités Chinoises donneront à l'Agent diplomatique de Prusse toutes les facilités possibles pour louer un emplacement et une maison convenable à la capital quand il devra y établir sa résidence.

Appointment of German Consular officers. Provision in case of their absence.

ART. IV.—Les Etats Allemands contractants pourront nommer en Chine un Consul-Général, et dans les ports et villes ouverts où leurs interêts l'exigeront, un Consul, Vice-Consul ou Agent-Consulaire, chargés de traiter les affaires de leurs nationaux.

Ces Agents seront traités par les autorités Chinoises avec la considération et les égards qui leur sont dus, et ils jouiront des mêmes privilèges et prérogatives, que les Agents-Consulaires de la nation la plus favorisée.

En cas d'absence de l'Agent-Consulaire Allemand les sujets des Etats Allemands contractants auront la faculté de s'adresser au Consul d'une puissance amie ou, en cas d'urgence, au chef de la douane, qui aviserá au moyen de leur assurer tous les bénéfices du présent traité.

Language of official correspondence.

ART. V.—Les communications officielles de l'Agent diplomatique Prussien ou des autorités consulaires des Etats Allemands contractants avec les autorités Chinoises seront écrites en Allemand. Jusqu'à disposition ultérieure elles seront accompagnées d'une traduction Chinoise, mais il est expressément entendu que, en cas de dissidence dans l'interprétation à donner au texte Allemand et au texte Chinois, les gouvernements Allemands prendront pour exact le sens exprimé dans le texte Allemand.

De même les communications officielles des autorités Chinoises avec le Ministre ou les Consuls de la Prusse et des Etats Allemands contractants seront écrites en Chinois, et pour elles le texte Chinois fera foi. Il est bien entendu que les traductions ne feront foi en aucun cas.

French text of present treaty to be authoritative

Quant au présent traité, il sera expédié en langue Allemande, Chinoise et Française; dans le but d'éviter toute discussion ultérieure et par la raison que la langue Française est connue de tous les

diplomates de l'Europe. Toutes ces expéditions ont le même sens et la même signification, mais le texte Français sera considéré comme le texte original du traité, de façon que s'il y avait quelque part une interprétation différente du texte Allemand et du texte Chinois, l'expédition Française fera foi.

Ports open to German subjects for residence and trade. Leasing of land, etc.

ART. VI.—Les sujets des Etats Allemands contractants pourront s'établir avec leurs familles, circuler librement et se liver au commerce ou à leur industrie dans les ports et villes de Canton, Swatau (Tchao-Tcheou), Amoy, Foutcheou, Ningpo, Shanghai, Tăngtcheou, Tientsin, Nieou-tchoang, Tchin-Kiang, Kiu-Kiang, Hankau, puis de Kiongtcheou dans l'île de Hainan, et de Tai-wan et Tan-choui dans l'île de Formose. Ils pourront circuler librement d'un port à l'autre avec leurs navires et leurs marchandises, y acheter ou louer des maisons, affermer des terrains et bâtir des églises, des cimetières et des hôpitaux.

Merchant vessels visiting other than treatyports, or smuggling shall, with their cargoes, be confiscated.

ART. VII.—Les navires de commerce des Etats Allemands contractants ne pourront visiter d'autres ports, que ceux qui ont été déclarés ouverts par le présent traité. Il leur est défendu de visiter d'autres ports ou de faire un commerce clandestin sur la côté. Les navires qui seraient surpris en contravention avec cette disposition, seront ainsi que leurs cargaisons, passibles de la confiscation.

Passports necessary for travel.

ART. VIII.—Les sujets des Etats Allemands contractants pourront se promener dans le voisinage des ports ouverts au commerce à une distance de cent (100) lis et pour un temps ne dépassant pas cinq (5) jours.

Quant à ceux qui désireraient se rendre dans l'intérieur de l'Empire, ils devraient être munis de passeports délivrés par les autorités diplomatiques ou consulaires et visés par les autorités locales Chinoises. Le passeport devra être exhibé à toute réquisition.

Action on loss of passport.

Dans le cas où les voyageurs ou commerçants des Etats Allemands contractants auraient perdu leurs passeports, il serait loisible aux autorités locales de les retenir jusqu'à ce qu'ils aient pu se procurer de nouveaux passeports, ou de les faire reconduire au Consulat le plus voisin sans les maltraiter en aucune façon ni permettre qu'ils le soient.

Ils est bien entendu qu'on ne délivrera aucun passeport pour les lieux occupés par les rebelles, on attendra pour le faire que ces lieux soient entièrement pacifiés.

Free permission to hire servants, boats, etc., and buy books, etc.

ART. IX.—Les sujets des Etats Allemands contractants pourront choisir librement et à prix débattu entres les parties, des compradors, interprètes, écrivains, ouvriers, bateliers et domestiques de toutes les parties de la Chine, et de même ils pourront louer des embarcations pour le transport des personnes et des merchandises. Ils pourront également apprendre la langue ou les dialectes du pays à l'aide de Chinois et leur enseigner des langues étrangères. On ne mettre aucun obstacle à la vente des livres Allemands et à l'achat des livres Chinois.

Christians, their property and their worship, to enjoyprotection.

ART. X.—Ceux qui suivent et enseignent la religion chrétienne jouiront en Chine d'une pleine et entiére protection pour leurs personnes, leurs propriétés et l'exercise de leur culte.

German ships may engage pilots.

ART. XI.—Lorsqu'un bâtiment des d'un Etats Allemands contractants arrivera dans les eaux de l'un des ports ouverts au commerce étranger, il aura faculté d'engager tel pilote qui lui conviendra pour se faire conduire dans le port. De même, quand, après avoir acquitté toutes les charges légales, il sera prêt à mettre à la voile, il pourra prendre un pilote à son choix pour le sortir du port.

Customs' officers will board and guard German ships on their arrival. No fees allowed.

ART. XII.—.Dés qu'un navire de commerce, appartenaut à un des Etats Allemands contractants, sera arrivé dans un port, le chef de la douane dèlèguera, si bon lui semble, un ou plusieurs préposés pour surveiller le navire et empécher qu'il ne se pratique aucune fraude,

Ces préposés pourront, selon leurs convenances, rester dans leur propre bateau ou se tenir à bord du bâtiment.

Les frais de leur solde, de leur nourriture et de leur entretien seront à la charge de la douane Chinoise et ils ne pourront exiger aucune indemnité ou rétribution quelconque des capitaines ou des consignataires. Toute contravention à cette disposition entrainera une punition proportionnelle au montant de l'exaction, laquelle sera en outre intégralement restituée.

Ships' papers to be lodged with Consul for report to Superintendent of Customs.

ART. XIII.—Dans les vingt-quatre (24) heures qui suivront l'arrivée du navire du commerce, le capitaine, s'il n'est dûment empêché, et, à son défaut, le subrécargue ou le consignataire, devra se rendre au Consulat et y déposer ses papiers de bord et une copie du manifeste.

Dans les vingt-quatre (24) heures suivantes, le Consul enverra au chef de la douane une note indiquant le nom dú navire, le rôle d'équipage, le tonnage et la nature de son chargement.

Fine for delay.

Si, par suite de la négligence du capitaine, cette dernière formalité n'avait pas pu être acomplie dans les quarante-huit (48) heures, le capitaine sera passible d'une amende de cinquante (50) piastres par jour de retard ; la dite amende, toutefois, ne pourra dépasser la somme de deux cents (200) piastres.

Permit to open hatches ; penalty for discharging without permit.

Aussitôt après la recéption de la note susmentionnée le chef de la douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'en avoir reçu le permis, avait ouvert la cale et commencé à décharger, il pourrait être condamné à une amende de cinq-cents (500) piastres au plus, et les marchandises débarquées pourraint être saisies.

Goods may not be shipped or landed without a permit under penalty.

ART. XIV.—Toutes les fois qu'un négociant d'un des Etats Allemands contractants aura des marchandises à embarquer ou à debarquer, il devra d'abord en demander l'autorisation au chef de la douane. Les marchandises embarquées ou débarquées sans cette autorisation, seront passibles de la confiscation.

Duties on imports and exports as per annexed tariff.

ART. XV.—Les sujets des Etats Allemands contractants payeront sur toutes les marchandises, qu'ils importeront dans les ports ouverts au commerce étranger ou qu'ils en exporteront les droits qui sont mentionnés dans le tarif annexé au présent traité ; mais en aucun cas on ne pourra exiger d'eux d'autres droits plus élevés que ceux exigés à présent ou à l'avenir des sujets de la nation la plus favorisée.

Annexed commercial rules part of Treaty.

Les réglements commerciaux annexés au présent traité seront regardés comme partie intégrante de ce traité et par conséquent comme obligatoires pour les Hautes Parties contractantes.

Mode of fixing value of goods subject to an *ad valorem* duty.

ART. XVI.—En ce qui concerne les marchandise qui d'après le tarif sont susjettes à un droit ad valorem, si le négociant ne peut tomber d'accord avec l'employé Chinois sur la valeur à fixer, chaque partie appellera deux ou trois négociants qui seront chargés d'examiner les marchandises. Le prix le plus élevé auquel un de ces marchands déclarerait vouloir les prendre sera réputé constituer la valeur réelle des dites marchandises.

Duty charged on net weight ; mode of settling tare.

ART. XVII.—Les droits seront prélevés sur le poids net ; on déduira en conséquence la tare. Si le négociant Allemand ne peut s'entendre avec l'employé Chinois sur la fixation de la tare, chaque partie choisira un certain nombre de caisses et de battots parmi les colis, objets du litige. Ils seront d'abord pesés brut, puis tarés. La tare moyenne des colis pesés servira de tare pour tous les autres.

Adjustment of differences of opinion between Customs' officers and merchants.

ART. XVIII.—Si, pendant le cours de la vérification, il s'élève quelque difficulté sur d'autres points qui ne puisse être résolue, le negociant Allemand poura réclamer l'intervention de l'Agent-Consulaire,

Celui-ci portera sur-le-champ l'object de la contestation à la connaissance du chef de la douane et tous deux s'efforceront d'amener un arrangement amiable. Mais le temps dans lequel cette réclamation pourra être adressée au Consul, sera de vingt-quatre (24) heures; si non, il n'y sera pas donné suite.

Tant que la contestation restera pendante, le chef de la douane n'en portera pas l'object sur ses livres, pour ne pas empiéter de cette manière sur l'examen approfondi et la solution de l'affaire.

Reduction of duty on damaged goods how settled.

ART. XIX.—Sur toutes les merchandise importées, qui auraient éprouvé des avaries, aura lieu une réduction de droits proportionnée à leur déprécation. Cette réduction sera determinée équitablement; mais si des contestations s'élèvent, elles seront terminées ainsi qu'il a été stipulé dans l'article seize pour les marchandise taxées ad valorem.

A German ship if she has not opened hatches, may depart within 48 houres of her arrival without paying Tonnage or Customs' dues.

ART. XX.—Tout bâtiment d'un des Etats Allemands contractants entré dans un port Chinois, pourra, quand la cale n'a pas encore été ouverte, le quitter dans les quarante-huit (48) heures après son arrivée et se rendre dans un autre port, sans avoir à payer ni droits de tonnage, ni droits de douane, et sans être sujet au payment de quelque autre droit. Les quarante-huit (48) heures écoulées il devra payer les droits de tonnage.

Import and export duties when due. Port Clearance to be issued.

ART. XXI.—Les droits d'importation seront acquittés lors du débarquement des marchandises et les droits d'exportation lors de leur embarquement. Lorsque les droits de tonnage et de douane dus par le bâtiment et la cargaison auront été intégralement acquittés, le chef de la douane délivera une quittance générale sur l'exhibition de laquelle l'Agent-Consulaire rendra ses papiers de bord au capitaine et lui permettra de mettre à la voile.

Duties to be paid into authorized banks, whose receipts shall be good.

ART. XXII.—Le chef de la douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les droits dus pour le compte du gouvernement. Les récépissées de ces maisons de change seront réputés délivrés par le gouvernment. Les payements pourront s'opérer en lingots ou en monnaies étrangères, dont le rapport avec l'argent sycé sera déterminé, suivants les circonstances, de commun accord entre l'Agent-Consulaire Allemand et le chef de la douane.

Rate of tonnage dues, Certificates of exemption therefrom.

ART. XXIII.—Tout bâtiment de commerce des Etats Allemands contractants jaugeant plus de cent-cinquante (150) tonneaux payera les droits de tonnage à raison de quatre (4) maces par tonneau, et tout navire jaugeant cent-cinquante (150) tonneaux et moins payera à raison d'un (1) mace par tonneau.

Lors du payement du droit précité le chef de la douane délivrera au capitaine ou au consignataire un certificat, sur l'exhibition duquel aux autorités douanières de tout autre port Chinois, où il conviendrait au capitaine de se rendre, on ne lui demandera plus de droits de tonnage durant quatre (4) mois à partir de la date de la quittance générale mentionée à l'article vingt-un.

Boats carrying passengers or duty free articles exempt from Tounage dues.

Sont exemptes des droits de tonnage les embarcations employées par les sujets des Etats Allemands contractants au transport de passagers, bagages, lettres, comestibles et de tous objets non sujets aux droits. Si les dites embarcations transportaient en outre des marchandises sujettes aux droits, elles resteraient dans la catégorie des navires jaugeant moins de cent-cinquante (150) tonneaux et payeraient un droit de tonnage d'un (1) mace par tonneau.

Duty paid imports carried inland. Commutation of Transit duties.

ART. XXIV.—Les marchandises, qui auront acquitté dans un port Chinois les droits de douane liquidés d'après le tarif, pourront être transportées dans l'intérieur du pays sans avoir à subir aucun autre charge que le payement des droits de transit. Ces droits seront

perçus suivant le taux actuellement en vigueur et ne seront susceptibles d'aucune augmentation future. Il en sera de même des marchandises transportées de l'interieur du pays à un port.

Les droits de transit afférents aux produits transportés de l'intérieur à un port et aux marchandises transportées d'un port à l'interieur pourront être acquittés par un seul payement.

Punishment for illegal exaction.

Si des fonctionnaires Chinois, contrairement à la teneur du présent article, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de la Chine. (*)

Customs' dues on part of cargo discharged.

ART. XXV.—Le capitaine d'un navire appartenant à un des Etats Allemands contractants, qui sera entré dans un port Chinois et qui voudra n'y décharger qu'une partie de la cargaison, ne payera les droits de douane que pour la partie débarquée. Il pourra transporter le reste de la cargaison dans un autre port, l'y vendre et y acquitter les droits.

Re-exportation of duty paid imports.

ART. XXVI.—Dans le cas où des négociants d'un des Etats Allemands contractants, après avoir acquitté dans un port Chinois les droits sur des marchandises importées, voudraient les réexporter, ils en préviendraient le chef de la douane, afin de faire constater par celui-ci l'identité de la marchandise et l'integrité des colis.

Si les marchandises étaient destinées à être réexportées dans un autre port Chinois, le chef de la douane remettra aux marchands qui désireraient les réexporter une déclaration, attestant que le droits afférents aux dites marchandises ont été acquittés.

Confiscation of goods in case of fraud.

En vertu de cette déclaration, le chef de la douane du port Chinois auquel on transportera les dites marchandises délivrera un permis de débarquement en franchise de droits, sans en exiger de taxes ni de surcharges supplémentaires. Mais si en comparant les marchandises avec la déclaration on découvrait de la fraude, les marchandises passées en fraude seraient passibles de la confiscation.

Payment by drawback certificate.

Si les marchandises étaient destinées à être réexportées dans un port hors de la Chine, le chef de la douane du port de réexportation délivrera un certificat, constatant que le négociant qui réexporte les marchandises a une créance sur la douane, équivalente au montant des droits déjà payés sur ces marchandises. Le dit certificat sera reçu en payement par la douane pour sa valeur entière comme de l'argent comptant toutes les fois qu'il s'agira d'acquitter des droits d'importation ou d'exportation.

Goods transhipped without special permit will be confiscated, except in case of emergency.

ART. XXVII.—Aucun transbordement de marchandises ne pourra avoir lieu sans permis spécial du chef de la douane. Sauf le cas de péril en la demeure, toutes marchandises qui aurait été transbordées sans permission, seraient confisquées.

(*) The wording of this Article in the German text of the Treaty is as follows:—

ART. XXIV.—Solche Waaren, von denen in einen Chinesischen Hafen die tarifmaessigen Zoelle entrichtet worden sind, sollen in das Innere des Landes transportirt werden koennen, ohne irgend einer andern Abgabe als der Transit Abgabe zu unterliegen. Diese soll nach den gegenwaertig geltenden Saetzen erhoben und in Zukunft nicht erhoeht werden. Dasselbe, gilt von Waaren, die aus dem Innern des Landes nach einem Hafen transportirt werden.

Von Erzeugniessen, welche aus dem Inlande nach einem Hafen oder von Einfuhren welche aus einem Hafen nach dem Intande gefuehrt werden, koennen saemmtliché daranf haftenden Transit-Abgaben auf einmal entrichtet werden.

Wenn Chinesische Beamte, dem Inhalte dieses Artikels zuwider, ungesetzliche oder hoehere als die gesetzlichen Abgaben erheben sollten so sollen sie nach den Chinesischen Gesetzen bestraft werden.

Standards of weights and measures.

ART. XXVIII.—Dans chacun des ports ouverts au commerce étranger, le chef de la douane déposera chez l'Agent-Consulaire un assortiment des poids et des mesures en usage à la douane de Canton, ainsi que des balances légales pour peser les marchandises et l'argent. Ces mesures, poids et balances normales formeront la base de toutes les liquidations de droits et de tous les payments, et on y aura recours en cas de contestation.

All fines and confiscations by present treaty to belong to the Chinese government.

ART. XXIX.—Toutes les amendes et confiscations prononcées pour des contraventions au présent traité ou aux réglements commerciaux y annexés, appartiendront au gouvernement Chinois.

German ships of war may visit all the ports of China.

ART. XXX.—Tout bâtiment de guerre des Etats Allemands contractants, croisants pour la protection du commerce ou lancé à la poursuite des pirates, sera libre de visiter tous les ports Chinois sans exception.

On leur donnera toutes les facilités de se ravitailler, de s'approvisionner d'eau et, en cas de besoin, de faire des réparations, et on ne leur opposera aucun obstacle. Les commandants de ces bâtiments communiqueront avec les autorités Chinoises sur le pied d'égalité et de politesse, et les bâtiments seront exempts de toute espèce d'impôts.

Germau ships of distress may enter any port of China without payment of tonnage or Customs' dues; vessels wrecked or stranded to receive assistance.

ART. XXXI.—Si un navire de commerce, appartenant à un des Etats Allemands contractants, était contrait par suite d'avaries ou pour d'autres causes de chercher refuge dans un port, il pourra entrer dans tout port Chinois sans exception, sans être sujet au payement de droits de tonnage. De même il n'y aura point de droits de douane à acquitter sur les marchandises qu'il aura à bord, pourvu que celles-ci ne soient déchargées qu'à cause de la réparation du navire et qu'elles restent sous la surveillance du chef de la douane. Si un tel navire venait à échouer ou se perdre, les autorités Chinoises prendraient sur-le-champ des mesures pour le sauvetage de léquipage et la préservation du navire et de sa cargaison. L'équipage sauvé sera bien traité et, en cas de besoin, pourvu de moyens pour arriver à la station consulaire la plus proche.

Mutual extradition of deserters or criminals.

ART. XXXII.—S'il arrive que des matelots ou d'autres individus désertent des bâtiments de guerre ou s'évadent des navires de commerce d'un des Etats Allemands contractants, l'autorité Chinoise, sur la réquisition de l'Agent-Consulaire ou, à son défaut, du capitaine, prendra les mesures nécessaires pour découvrir le déserteur ou fugitive et le restituer sur-le-champ entre les mains de l'Agent-Consulaire ou, du capitaine.

Pareillement, si des Chinois déserteurs ou prévenus de quelque crime, vont se réfugier dans des maisons ou à bord d'un navire appartenant à des sujets Allemands, l'autorité locale s'adressera à l'Agent-Consulaire Allemand qui prendra immédiatement les mesures nécessaires pour que leur extradition soit effectuée.

Pirates attacking German ships; and property plundered. Chinese officials not to be pecuniarily responsible.

ART. XXXIII.—Dans le cas où des navires appartenants à un des Etats Allemands contractants seraient pillés par des pirates dans des parages dépendants de la Chine, il sera du devoir des autorités Chinoises de ne rien négliger pour que les voleurs soient arrêtés et punis. Les marchandises enlevées, en quelque lieu et dans quelqu'état qu'elles se trouvent, seront déposées entre les mains de l'Agent-Consulaire qui les fera remettre aux ayants-droit. Si l'on ne peut s'emparer des coupables ni recouvrer la totalité des objets volés, les fonctionnaires Chinois subiront la peine infligée par la loi en pareille circonstance, mais ils ne sauraient être rendus pécuniairement responsables

Representation to Chinese authorities.

ART. XXXIV.—Toutes les fois qu'un sujet d'un des Etats Allemands contractants voudra recourir à l'autorité Chinoise, sa représentation

devra d'abord être soumise à l'Agent-Consulaire qui, suivant qu'il la trouvera raisonnable et convenablement rédigée, lui donnera suite ou la rendra, afin d'être modifiée. German subjects to be made through German Consul, and *vice versa*.

Les Chinois de leur côté, lorsqu'ils auront à s'addresser au Consulat, devront suivre une marche analogue auprés de l'autorité Chinoise, laquelle agira de la mème manière.

ART. XXXV.—Lorsqu'un sujet des Etats Allemands contractants aura quelque motif de plainte contre un Chinois, Il devra d'abord se rendre chez l'Agent-Consulaire et lui exposer ses griefs. L'Agent-Consulaire, après avoir examiné l'affaire, s'efforcera de l'arranger à l'amiable. De même, quand un Chinois aura à se plaindre d'un sujet d'un des Etats Allemands contractants, l'Agent-Consulaire écoutera sa réclamation avec intéret et cherchera à ménager un arrangement à l'amiable. Mais si dans l'un ou l'autre cas la chose était impossible, l'Agent-Consulaire requerra l'assistance du fonctionnaire Chinoise competent, et tons deux conjointement statueront suivant l'équité. Disputes between German and Chinese subjects. Arrangement of civil suits.

ART. XXXVI.—Les autorités Chinoises accorderont toujours la plus complête protection aux personnes et à la propriété des sujets Allemands, et particulièrement, lorsque ceux-ci seraient l'objet de quelque insulte ou violence. Dans tous les cas d'incendie, de pillage ou de destruction, les autorités locales enverront en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables et les livrer à toute la sévérité des lois, le tout sans préjudice des poursuites à exercer, par qui de droit, contre les coupables quels qu'ils soient pour indemnisation des pertes éprouvées. Protection of German subjects from insult and injury.

ART. XXXVII.—Si un sujet Chinois, débiteur d'un sujet des Etats Allemands contractants, manquait à payer ses dettes ou s'éloignait frauduleusement, l'autorité Chinoise, sur la requètte du créancier, ne nêgligera aucun moyen pour arrêter le fugitif et contraindre le débiteur a payer sa dette. Action in case of absconding debtors; neither government responsible for individual debts.

De même les autorités Allemandes feront tout leur possible pour forcer les sujets Allemands à aquitter leurs dettes envers des sujets Chinois. et pour les faire comparaître en justice, s'ils se sont éloignés frauduleusement. Mais en aucun cas ni le gouvernement Chinois ni les gouvernements des Etats Allemands contractants ne sauraient être rendus responsables des dettes de leurs sujets.

ART. XXXVIII.—Les sujets Chinois qui se rendront coupables d'une action criminelle contre un sujet d'un des Etats Allemands contractants, seront arrêtés par les autorités Chinoises et punis suivant les lois de la Chine. German delinquents in China will be punished by German Consular officers, Chinese delinquents by Chinese authorities.

Les sujets d'un des Etats Allemands contractants, qui commettraient un crime contre un sujet Chinois, seront arrêtés par l'Agent-Consulaire et punis suivant les lois de l'Etat auquel ils appartienent.

ART. XXXIX.—Toutes les contestations de droits, soit de personne soit de propriété, qui pourraient s'élever entre les sujets des Etats Allemands contractants, reléveront de la juridiction des autorités de ces Etats. En cas de differends survenus entre des sujets des Etats Allemands contractants et des étrangers, l'autorité Chinoise n'aura point à s'en mêler. Chinese authorities will not interfere in disputes between German subjects, and other foreigners.

ART. XL.—Il est convenu entre les parties contractantes, qu'il sera accordé aux Etats Allemands et à leurs sujets participation pleine et égale à tous les privilèges, immunités et avantages qui ont été acordés ou seront concédés dorénavant par Sa Majesté l'Empereur de Chine au gouvernement ou aux sujets d'une autre nation quelconque. En particulier tous les changements apportés en faveur d'une autre nation quelconque au tarif ou aux disposition concernants les droits de Favoured nation treatment.

douane, de tonnage et de port, d'importation, d'exportation et de transit, seront immédiatement applicables au commerce des Etats Allemands contractants, ainsi qu'à leurs marchands, armateurs et capitaines par le seul fait de leur mise à exécution et sans qu'il faille un nouveau traité.

Revision of present Treaty at the expiry of ten years from the exchange of ratifications.

ART. XLI.—Si dorénavant les Etats Allemands contractants jugeaient convenable d'apporter des modifications à quelques unes des clauses du présent traité, ils seront libres d'ouvrir à cet effect des negociations après un intervalle de dix (10) années révolues à partir du jour de l'échange des ratifications, mais il faut que six (6) mois avant l'expiration des dix années ils fassent connaitre officiellement au gouvernement Chinois leur intention d'apporter des modifications, et en quoi elles consisteront. A défaut de cette annouce officielle, le traité restera en vigueur sans changement pour un nouveau terme de dix (10) années.

Exchange of ratifications.

ART. XLII.—Le présent traité sera ratifié et les ratifications seront échangées dans l'intervalle d'un an à partir du jour de la signature ou à Changhai ou à Tientsin, au choix du gouvernement de Prusse.

Publication of Treaty to all officials throughout China.

Aussitôt que l'échange aura eu lieu, le Gouvernement Chinois portera le traité à la connaissance de toutes les autorités supérieures de l'Empire, dans les provinces et dans la capitale, enfin qu'elles s'y conforment.

En foi de quoi les Plenipotentiaires respectifs des hautes parties contractantes ont signé le présent traité et y ont apposé leurs sceaux.

2nd Sept., 1861.

Fait en quatre expéditions à Tientsin le deux Septembre de l'an de grâce mil huit-cent soixante-et-un, correspondant au vingt-huitième jour de la septième lune de la onzième année de Hien-Foung.

[L.S.]	(Signé)	COMTE D'EULENBURG.
[L.S.]	(Signé)	TCHONG-LUEN.
[L.S.]	(Signé)	TCHONG-HEOU.

ARTICLE SÉPARÉ.

La Prusse, les autres Etats de l'Association de douane et de commerce Allemande, les Grand-Duchés de Mecklembourg-Schwerin et de Mecklembourg-Strélitz, ainsi que les Villes Hanséatiques de Lubeck, Brême et Hambourg.

Five years to be allowed to elapse before a Diplomatic agent is established by Prussia at Peking.

Ayant couclu aujourd'hui avec la Chine un traité d'amitié, de commerce et de navigation, exécutoire après l'échange des ratifications qui doit avoir lieu dans l'intervalle d'une année, et d'aprés lequel Sa Majesté le Roi de Prusse a le droit d'accréditer un Agent diplomatique à demeure fixe près la cour de Péking, il est conveuu entre les Plénipotentiaires respectifs de ces Etats, qu'en raison des troubles qui désolent actuellement la Chine, Sa Majesté le Roi de Prusse attendra qu'un laps de cinq (5) anneés se soit écoulé à partir de l'échange des ratifications du présent traité pour accrediter à demeure fixe un agent diplomatique à Pékin.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent article et y ont apposé leurs sceaux.

Fait en quatre expéditions à Tientsin le deux Septembre de l'an de grâce mil huit-cent soixante-et-un, correspondant au vingt-huitième jour de la septième lune de la onzième année de Hien-Foung.

ARTICLE SÉPARÉ

La Prusse, les autres Etats de l'Association de douane et de commerce Allemande, les Grand-Duchés de Mecklembourg-Schwerin et de Mecklembourg-Strélitz, ainsi que les Villes Hanséatiques de Lubeck, Brême et Hambourg.

Ayant conclu aujourd'hui avec la Chine un traité d'amité, de commerce et de navigation, il est convenu en outre que les Sénats des Villes Hanséatiques auront le droit de nommer un Consul dans chaque port Chinois ouvert à la navigation et au commerce etranger, pour y traiter les affaires de leurs nationaux.

The Hanse Towns to be entitled to appoint Consuls at the open ports of China.

Le présent article séparé aura la même vigueur et la même validitè que s'il était inscrit mot à mot dans le traité susmentionné.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent article et y ont apposé leurs sceaux.

Fait en quatre expéditions à Tientsin le deux September de l'an de grâce mil huit-cen tsoixante-et-un, correspondant au vingt-huitième jour de la septième lune de la onzième année de Hien-Foung.

[L.S.]	(Signé)	COMTE D'EULENBURG.
[L.S.]	(Signé)	TCHONG-LUEN.
[L.S.]	(Signé)	TCHONG-HEOU.

SWEDEN AND NORWAY.

TREATY OF PEACE, AMITY, AND COMMERCE BETWEEN THE KINGDOMS OF SWEDEN AND NORWAY AND THE EMPIRE OF CHINA.

Signed at Canton, 20th March, 1847.

Accepted and confirmed by Sweden, 28th October, 1847.

The Kingdoms of Sweden and Norway and the Ta Tsing Empire, desiring to establish firm, lasting, and sincere friendship between the three nations, have resolved to fix, in a manner clear and positive, by means of a Treaty or General Convention of Peace, Amity, and Commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries:

Commissioners C.F. Liljewalch. Ki-ying.

For which most desirable object His Majesty the King of Sweden and Norway has conferred full powers on his Commissioner Charles Frederick Liljewalch, and the August Sovereign of the Ta Tsing Empire on his Minister and Commissioner Ki Ying, of the Imperial House, Superintendent-General of the Trade and Foreign Intercourse of the Five Ports, Governor-General of the Two Kwang Provinces, a Director of the Board of War, Vice High Chancellor, and a Vice-Guardian of the Heir Apparent;

And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following Articles:—

Mutual peace and amity.

ART. I.—There shall be a perfect, permanent, universal peace, and a sincere and cordial amity between the Kingdoms of Sweden and Norway on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

Tariff duties on trade. No higher duties than are paid by other nations. Fees and charges abolished. Rights of most favoured nation.

ART. II.—Subjects of His Majesty the King of Sweden and Norway resorting to China for the purposes of commerce, will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this Treaty. They shall, in no case, be subject to other or higher duties than are and shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and the officers of the revenue who may be guilty of exaction shall be punished according to the laws of China. If the Chinese Government desire to modify, in any respect, the said tariff, such modifications shall be made only in consultation with Consuls or other functionaries thereto duly authorized by His Majesty the King of Sweden and Norway, and with consent thereof. And if additional advantages or privileges, of whatever description, be conceded hereafter by China to any other nation, Sweden and Norway and citizens thereof shall be entitled thereupon to a complete, equal, and impartial participation in the same.

ART. III.—The subjects of His Majesty the King of Sweden and Norway are permitted to frequent the five ports of Kwangchow, Amoy, Foochow, Ningpo and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a subject of His Majesty the King of Sweden and Norway, which violates this provision, shall, with her cargo, be subject to confiscation to the Chinese Government.

Trade at five open Ports allowed. Penalties for clandestine or fraudulent trade.

ART. IV.—For the superintendence and regulation of the concerns of Swedes and Norwegians, doing business at the said five ports, His Majesty the King of Sweden and Norway may appoint Consuls, or other officers, at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasions may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full enquiry and strict justice be had in the premises; and on the other hand the said Consuls will carefully avoid all acts of unnecessary offence to, and collision with, the officers and people of China.

Appointment and functions of Consuls.

ART. V.—At each of the said five ports the subjects of His Majesty the King of Sweden and Norway, lawfully engaged in commerce, shall be permitted to import, from their own or any other ports, into China and sell there, and purchase therein, and export to their own and any other ports, all manner of merchandise of which the importation or exportation is not prohibited by the Treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

Right of exportation and importation of merchandise.

ART. VI.—Whenever any merchant vessel, belonging to Sweden or Norway shall enter either of the said five ports for trade, her papers shall be lodged with the Consul, or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on same vessel at the rate of 5 mace per ton if she be over 150 tons burden; and 1 mace per ton if she be of the burden of 150 tons, or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any other of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs, will report the same to the Commissioner of Customs, who, on the departure of the said vessel will note in the port clearance that the tonnage duties have been paid, and report the same to the other Custom Houses; in which case, on entering another port, the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

Ships' papers. Tonnage dues. Only one payment of tonnage dues to be made.

ART. VII.—No tonnage duty shall be required on boats belonging to subjects of His Majesty the King of Sweden and Norway, employed in the conveyance of passengers, baggage, letters, and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo boats, however, conveying merchandise subject to

Small crafts and cargo boats.

duty, shall pay the regular tonnage duty of 1 mace per ton, provided they belong to subjects of His Majesty the King of Sweden and Norway, but not if hired by them from subjects of China.

Engagement of pilots, servants, linguists, etc.

ART. VIII.—Subjects of His Majesty the King of Sweden and Norway, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes and take them into the port, and when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire at pleasure servants, compradores, linguists, and writers, and passage or cargo boats, and to employ labourers, seamen, and persons for whatever necessary service for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Office of their Government, without interference on the part of the local officers of the Chinese Government.

Custom House officers to watch vessels in port.

ART. IX.—Whenever merchant vessels, belonging to Sweden or Norway, shall have entered port, the Superintendent of Customs will, if he see fit, appoint Custom-House officers to guard said vessels, who may live on board the ship, or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the Superintendent of Customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practised by them in violation of this regulation.

Report to Customs, Issue of permits. Duties on cargo landed. Permission to depart within 48 hours without payment of tonnage dues.

ART. X.—Whenever a merchant vessel belonging to Sweden or Norway shall cast anchor in either of said ports, the supercargo, master, or consignee will, within 48 hours, deposit the ship's papers in the hands of the Consul, or person charged with affairs of Sweden and Norway, who will cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the names of her men and of the cargo on board, which being done the Superintendent will give a permit for the discharge of her cargo. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of 500 dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may within 48 hours after the arrival of the vessel, but not later, decide to depart without breaking bulk, in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo according to law. And the tonnage duties shall be held to be due after the expiration of said 48 hours.

Mode of fixing valuation of goods.

ART. XI.—The Superintendent of Customs, in order to the collection of the proper duties will, on application made to him through the Consul, appoint suitable officers, who shall proceed in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation ou board any merchant vessel of Sweden or Norway, and if dispute occur in regard to the value of goods, subject to an *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties. the question may within 24 hours, and not afterwards, be referred to the said Consul, to adjust with the Superintendent of Customs.

Weights and measures.

ART. XII.—Sets of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the Custom-House at Canton, shall be delivered by the Superintendent of Customs to the Consuls at each of the five ports to secure uniformity and prevent confusion in weights and measures of merchandise.

Payment of dues and duties. Limitation of transit duties to present rates.

ART. XIII.—The tonnage duty on vessels, belonging to subjects of His Majesty the King of Sweden and Norway, shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, aud duty of export on the lading of the same. When all such duties shall have been paid, and not before, the Superintendent of Customs shall give a port clearance, and the Consul shall return the ship's paper, so that she may depart on her voyage. The duties shall be paid to the shroffs, authorized by the Chinese Government to receive the same in its behalf. Duties, payable by subjects of His Majesty the King of Sweden and Norway, shall be received either in Sycee silver, or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the Empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this Treaty.

Forfeiture of goods if transhipped without permit

ART. XIV.—No goods on board any Swedish or Norwegian merchant vessel in port are to be transhipped to another vessel, unless there be particular occasion therefor; in which case the occasion shall be certified by the Consul to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transhipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese Government.

All restrictions or limitation on trade abolished.

ART. XV.—The former limitation of the trade of foreign nations, to certain persons, appointed at Canton by the Government and commonly called Hong merchants, having been abolished, subjects of His Majesty the King of Sweden and Norway, engaged in the sale or purchase of goods of import or export, are admitted to trade with any and all subjects of China, without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restriction.

Recovery of debt due by Chinese.

ART. XVI.—The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to subjects of Sweden and Norway, or for frauds committed by them, but Swedes and Norwegians may seek redress in law; and on suitable representation being made to the Chinese local authorities through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified according to the old system of the Co-Hong so-called; and if subjects of His Majesty the King of Sweden and Norway be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of Sweden and Norway.

Hiring of sites for houses, churches, hospitals, or cemeteries. Protection of cemeteries.

ART. XVII.—Subjects of His Majesty the King of Sweden and Norway, residing or sojourning at any of the ports open to foreign commerce, shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business and also hospitals, churches and cemeteries. The local authorities of the two Governments

shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof; and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the merchants on the other unreasonably insisting on particular spots, but each party conducting itself with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

At the places of anchorage of Swedish and Norwegian vessels, subjects of His Majesty the King of Sweden and Norway, merchants, seamen, or others, sojourning there, may pass and repass in the immediate neighbourhood, but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully, and in fraud of the revenue.

Excursions within defined limits.

And, in order to the preservation of the public peace, the local officers of Government at each of the five ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for subjects of His Majesty the King of Sweden and Norway to go.

Employment of teachers and purchase of books.

ART. XVIII.—It shall be lawful for subjects of His Majesty the King of Sweden and Norway to employ scholars and people of any part of China without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labours, and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or of individuals, and it shall in like manner be lawful for subjects of His Majesty the King of Sweden and Norway to purchase all manner of books in China.

Protection from insult or injury.

ART. XIX.—All subjects of His Majesty the King of Sweden and Norway in China peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the special protection of the local authorities of Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately dispatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigour of the law.

Re-exportation of duty-paid imports, Penalty in case of fraud.

ART. XX.—Subjects of His Majesty the King of Sweden and Norway who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application through their Consul to the Superintendent of Customs, who in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods as entered on the Custom-House books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of Customs of the other ports. All which being done, on the arrival in the port of the vessel in which the goods are laden, and everything been found on examination there to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if on such examination the Superintendent of Customs

shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

Procedure in criminal cases.

ART. XXI.—Subjects of China, who may be guilty of any criminal act towards Swedish or Norwegian subjects, shall be arrested and punished by the Chinese authorities according to the laws of China; and subjects of Sweden or Norway who may commit any crime in China, shall be subject to be tried and punished only by the Consul or other public functionary of Sweden or Norway thereto authorized, according to the laws of his country. And, in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

Neutrality of Swedish and Norwegian flags to be respected in case of war. Penalty in case of breach of neutrality.

ART. XXII.—Relations of peace and amity being established by this Treaty between the United Kingdoms of Sweden and Norway and the Chinese Empire, and the Swedish and Norwegian vessels being admitted to trade freely to and from the five ports of China open to foreign commerce, it is further agreed, that in case at any time hereafter China shall be at war with any foreign nation whatever, and for that cause should exclude such nation from entering her ports, still the vessels of the United Kingdoms of Sweden and Norway shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to neutrality of the flag of the United Kingdoms of Sweden and Norway, provided that the said flag shall not protect vessels engaged in the transportation of officers and soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Reports of shipping to be made by Consuls.

ART. XXIII.—The Consuls of Sweden and Norway that may be appointed at each of the five ports open to foreign trade, shall make annually to the respective Governors-General thereof a detailed report of the number of vessels belonging to the United Kingdom of Sweden and Norway, which have entered and left said ports during the year, and of the amount and value imported and exported in such vessels for transmission to, and inspection of, the Board of Revenue.

Communication with Chinese authorities and Consuls. Civil suits to be determined conjointly.

ART. XXIV.—If subjects of His Majesty the King of Sweden and Norway have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other person charged with affairs, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like matter if subjects of China have special occasion to address the Consul of the United Kingdom of Sweden and Norway, they shall admit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right, in which case the said authorities will transmit the same to the Consul, or other person charged with affairs, for his consideration and action in the premises. And if controversies arise between subjects of His Majesty the King of Sweden and Norway and subjects of China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

No interference in questions between subjects of Sweden and Norway.

ART. XXV.—All questions in regard to rights, whether of property or person, arising between subjects of His Majesty the King of Sweden and Norway in China, shall be subject to the jurisdiction

and regulated by the authorities of their own Government. And all controversies occuring in China between subjects of Sweden and Norway and the subjects of any other Government shall be regulated by the Treaties existing between Sweden and Norway and such Governments respectively, without any interference on the part of China.

Swedish and Norwegian vessels subject to their own authorities only. Protection, but not indemnification, in case of piracy or robbery.

ART. XXVI.—Swedish and Norwegian merchant vessels, lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own Government, who with the masters and owners thereof will manage the same without control on the part of China. For injuries done to the citizens, or to the commerce of Sweden and Norway by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if Swedish and Norwegian merchant vessels, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest Consul, or other officer of the United Kingdoms of Sweden and Norway, to be by him restored to the true owner. But if by reason of the extent of territory and numerous population of China, it should in any case happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

Vessels wrecked or in distress.

ART. XXVII.—If any Swedish or Norwegian vessel shall be wrecked or stranded on the coast of China and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security, and the persons on board shall receive friendly treatment and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment and the means of safety and security.

Vessels and property to be exempt from embargo.

ART. XXVIII.—Subjects of His Majesty the King of Sweden and Norway, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

Mutual Extradition. Control of subjects. Enforcement of order.

ART. XXIX.—The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board Swedish and Norwegian vessels in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels belonging to subjects of His Majesty the King of Sweden and Norway, they shall not be harboured or concealed, but shall be delivered up to justice, on the requisition by the Chinese local officers addressed to those of the United Kingdoms of Sweden and Norway.

The merchants, seamen, and other subjects of Sweden and Norway, shall be under the superintendence of the appropriate officers of their Government.

If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the Governments will exert themselves to enforce order and to maintain the public peace by doing impartial justice in the premises.

Style of communications.

ART. XXX.—The superior authorities of Sweden aud Norway and of China in corresponding together, shall do so in terms of equality, and in the form of mutual communcation *(chou hwui)*. The Consuls and local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communications *(chou hwui)*. When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial *(shin chin)*. Private individuals in addressing superior officers, shall employ the style of petition *(pin ching)*. In no case shall any term or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of Sweden and Norway by China or of China by Sweden and Norway.

Transmission of despatches.

ART. XXXI.—Communications from the Government of Sweden and Norway to the Court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the Liang Kwang, that of Min and Cheh, or that of the Liang Kwang.

Facilities and courtesy toward vessels of war.

ART. XXXII.—Whenever ships of war of Sweden and Norway, in cruising for the protection of the commerce of the United Kingdoms, shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of Government shall hold intercourse together in terms of equality and courtesy, in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water, and making repairs, if occasion require.

Clandestine trade or trade in Opium and contraband merchandise prohibited.

ART. XXXIII.—Subjects of His Majesty the King of Sweden and Norway who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United Kingdoms; and the Government of Sweden and Norway will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.

Revision of present Treaty if desired at the expiry of twelve years.

ART. XXXIV.—When the present Convention shall have been definitely concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation, in which case the two Governments will, at the expiration of twelve years from the date of said Convention, treat amicably concerning the same by the means of suitable persons appointed to conduct such negotiation.

In faith whereof, we, the respective Plenipotentiaries of the United Kingdoms of Sweden and Norway and of the Ta Tsing Empire as aforesaid, have signed and sealed these presents.

20th March, 1847. Done at Canton the 20th day of March, in the year of our Lord Jesus Christ one thousand eight hundred and forty-seven, and of Tao Kwang the 27th year, 2nd month, and 4th day.

[L.S.] (Signed) C. F. LILJEWALCH.

[L.S.] (Signed) KI-YING (in Manchu).

BELGIUM.

ARRANGEMENT BETWEEN BELGIUM AND CHINA, BY LETTER FROM THE IMPERIAL COMMISSIONER KE-YING TO THE CONSUL-GENERAL FOR BELGIUM IN INDO-CHINA.

Dated at Canton, 25th July, 1845.

Ke-ying, Imperial Commissioner, etc., etc., Governor-General of the Two Kwang Provinces; and Hwang, Governor of the Province of Kwangtung; made the following communication.

The application heretofore made by the Consul having been submitted to the Emperor, His Majesty has signified his approval of the same by the following rescript written with the vermilion Pencil:—"The Kingdom of Belgium is permitted to trade with China." This was communicated at the time to the Consul, as the records shew.

We now forward to the Consul a copy of each of the Treaties concluded with other nations, together with a copy of the Customs' tariff, in order that he may make the same known to the merchants of his nationality, and to the end that all who may seek to engage in trade in China may observe them scrupulously, and at the same time enjoy their manifold advantages.

Three volumes of Treaties and one of Tariff enclosed.

To M. LANNOY,
Consnl-General for Belgium.

The 25th year of Tao Kwang, 6th moon, 20th day.

(Translated from the French translation by Callery, given in the *Archives Diplomatiques*, Paris 1861, T. I., p. 319.)

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN BELGIUM AND CHINA.

Signed, in the French and Chinese Languages, at Peking, 2nd November, 1865.

Ratifications exchanged at Shanghai, 27th October, 1866.

Sa Majesté le Roi des Belges et Sa Majesté l'Empereur de la Chine, étant également animés du désir d'établir sur des bases solides les rélations d'Amitié, de Commerce, et de Navigation entre la Belgique et la Chine, comme aussi d'en régulariser l'existence, d'en favoriser le développement et d'en perpétuer la durée, ont résolu de conclure un Traité basé sur l'intérêt commun des deux pays et ont nommé à cet effet pour leurs Plénipotentiaires, savoir:

Plenipotentiaries.

Aug. T'Kint.

Sa Majesté le Roi des Belges, le sieur Auguste T'Kint, son Envoyé *ad hoc* en Mission Extraordinaire, Officier de son Ordre de Léopold, Grand Officier de l'Ordre Impérial de Guadalupe, Officier de l'Ordre Impérial de la Lègion d'Honneur, Chevalier de l'Ordre du Lion Néerlandais, etc.;

Tung Sun.

Ch'ung How.

Et Sa Majesté l'Empereur de la Chine, Toung Siun, Haut Commissaire Impérial de la dynastie Ta-Tsing, Membre du Ministère des Affaires Etrangères, Vice Président du Conseil des Finances, Surintendant de la Monnaie, Directeur Assistant de la Chronique Impériale, etc.; et Chung How, Haut Commissaire Impérial de la dynastie Ta-Tsing, Vice-Président du Conseil de la Guerre, Lieutén-ant-Général de la Bannière bordée de rouge de Han-Chün, Ministre Surintendant du Commerce de trois ports du Nord, etc.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles qui suivent:

Reciprocity of friendship and protection.

ART. I.—Same as French Treaty of Tientsin (Fr. Tn.), Art. 1.

Representatives.

ART. II.—Same as British Treaty of Tientsin (Brit. Tn.), Art. 2.

Belgian Diplomatic Agent at Peking shall enjoy all privileges accorded by International usage, may hire servants, etc., and shall be treated with respect.

ART. III.—L'agent diplomatique dument accredité par Sa Majesté le Roi des Belges auprès de Sa Majesté l'Empereur de la Chine, pourra se rendre à Pékin aussi souvent qu'il sera nécessaire pour l'accomplissement d'affaires importantes.

L'Agent Diplomatique de Belgique jouira des privilèges et immunité que lui accorde le droit des gens; sa personne, sa famille, sa maison, et sa correspondence seront inviolable.

Il ne pourra pas être restreint dans le choix ni dans l'emploi de ses employés, courriers, interprètes, serviteurs, etc., etc.

Toute personne coupable de manque de respect ou de violence envers le représentant de Sa Majesté ou envers quelque membre de sa famille ou de la Légation Belge, soit en actions, soit en paroles, sera sévèrement puni par les autorités Chinoises.

Travel and correspondence.

ART. IV.—Same as Brit. Tn., Art. 4.

Transaction of business on a footing of equality with Chinese Ministers.

ART. V.—Le représentant de Sa Majesté le Roi des Belges traitera toutes ses affaires avec les ministres de Sa Majesté l'Empereur de la Chine, soit verbalement, soit par écrit, sur le pied d'une parfaite égalité.

ART. VI.—Same as Brit. Tn., Art. 6. Privileges of Chinese Ambassador.

ART. VII.—Same as clauses 1 and 2 of Brit. Tn., Art., 7; and further: Appointment of Consuls.

Lorsque le Gouvernement Belge ne jugera pas nécessaire de nommer un Consul dans un port ouvert au commerce, il pourra confier les fonctions consulaires Belges dans ce port au Consul d'une puissance amie. Belgium may appoint the Consuls of a friendly Power to act on her behalf.

ART. VIII.—Les communications officielles des Agents Diplomatiques et Consulaires Belges avec les autorités Chinoises seront écrites en francais et seront accompagnées d'une traduction Chinoise. Les communications officielles des autorités Chinoises avec les Agents Diplomatiques et Consulaires Belges seront écrites en chinois. Il est expressement entendu que, en cas de dissidence dans l'interpretation à donner au texte français et au texte chinois, les autorités Belges aussi bien que les autorités Chinoises prendront chacune leur propre texte comme le texte exact. Language of official correspondence. Text to be held correct.

Cette régle s'appliquera également au présent traité, dont la traduction Chinoise a été soigneusement conformé au texte original français.

ART. IX.—Same as Fr. Tn., Art. 4. Modes of address and correspondence.

ART. X.—Same as Fr. Tn., Art. 10. Land and buildings.

ART. XI.—Les Belges et leurs familles pourront se transporter, s'établir et se livrer au commerce ou à l'industrie en toute sécurité et sans entrave d'aucune espèce, dans les ports et villes de Canton, Swatow, Amoy, Foochow, Ningpo, Shanghai—Nanking, Chinkiang, Kiukiang et Hankow, sur le fleuve Yangtze,—Chefoo, Tientsin. Niuchuang,—Tamsui et Taiwanfoo, dans l'ile de Formose, et Kiungchow dans l'ile de Hainan. Ports open to Belgians.

ART. XII.—Tout Belge qui, conformément aux stipulations de l'Article précédent, arrivera dans l'un des ports ouverts au commerce étranger, pourra, quelle que soit la durée de son séjour, y louer des maisons et des magasins pour déposer ses marchandises, ou bien affermer des terrains et y hâter lui-même des maisons et des magasins. Les Belges pourront, de la même manière, établir des églises, des hôpitaux, des hospices, des écoles et des cimetières. Le cas échéant, l'antorité locale, après s'être concertée avec le Consul, désignera les quartiers les plus convenables pour la résidence des Belges et les endroit dans lesquels pourront avoir lieu les constructions précitées. Belgians to have power to rent or build houses, to buy land, and to erect hospitals, churches, etc. Rents how fixed.

Le prix des loyers et des fermages sera librement débattu entre les parties intéressées, et réglé, autant que faire se pourra, conformément à la moyenne des prix locaux.

Les autorités Chinoises empêcheront leurs nationaux de surfaire ou d'exiger des prix exorbitants, et le Consul veillera, de son côté, à ce que les Belges n'usent d'aucune contrainte pour forcer le consentement des propriétaires Chinois.

ART. XIII.—Same as Fr. Tn., Art. 11. Employment of Chinese.

ART. XIV.—Same as Fr. Tn., Art. 12. Ships and property to be inviolable.

ART. XV.—Same as Fr. Tn., Art 13, clauses 1 and 2. Christian religion.

ART. XVI.—Same as Fr. Tn., Art. 35. Mode of settling dispute.

Chinese authorities shall protect Belgian subjects and property from insult and injury and bring offenders to justice.

ART. XVII.—Les autorités Chinoises accorderont toujours la plus complète protection aux personnes et à la propriété des sujets Belges, et particulièrement lorsque ceux-ci seraient l'objet de quelque insulte ou violence. Dans tous les cas d'incendie, de pillage, ou de destruction, les autorités locales prendront les mesures necessaires pour le recouvrement des objets volés et enverront en toute hâte la force armée pour dissiper l'émeute s'emparer des coupables et les livrer à toute la sévérité des lois. Si les fonctionnaires compétents négligeaient d'arrêter les coupables, le Gouvernement Chinois leur imposerait la peine infligée par les lois du pays.

Action in case of absconding debtors. Neither Government responsible for individual debts.

ART. XVIII.—Si un sujet Chinois débiteur d'un Belge manquait à payer ses dettes ou s'éloignait frauduleusement, l'autorité Chinoise sur la requête du créancièr ne negligera aucun moyen pour arrêter le fugitif et contraindre le débiteur à payer sa dette.

De même les autorités Belges feront tout leur possible pour obliger les Belges à acquitter leurs dettes envers les Chinois, et pour les faire comparaître en justice, s'ils se sont éloignés frauduleusement. Mais en aucune cas ni le Gouvernement Chinois ni le Gouvernement Belge ne sauraient être rendus responsable des dettes à leurs sujets respectifs.

Belgian criminals in China punished by Belgian Consuls; Chinese criminals by Chinese authorities.

ART. XIX.—Les sujets Chinois qui se rendraient coupable d'une action criminelle envers un Belge seront arrêtés par les autorités Chinoises et punis suivant les lois de la Chine.

Les sujets Belges qui commettraient un crime envers un sujet Chinois, seront arrêtés à la diligence du Consul, et celui-ci prendra toutes les mesures necessaires pour que les prévenus soient livrés à l'action regulière des lois Belges, dans la forme et suivant les dispositions qui seront ultérieurement déterminées par le Gouvernement Belge.

Il en sera de même dans toutes les circonstances non prévues dans la présente convention, le principle étant que, pour la repression des crimes et délits commis par eux en Chine, les Belges seront constamment régis par les lois Belges.

Le Gouvernement Chinois veillera de son côte à la répression des crimes et délits commis par des Chinois envers des Belges.

La justice sera rendue equitablement et impartialement de part et d'autre.

Settlement of disputes between Belgians, and between Belgians and other foreigners.

ART. XX.—Les Belges en Chine dépendront également pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux de la juridiction Belge. En cas de difficultés survenues entre Belges et étrangers l'autorité Chinoise n'aura point à s'en mêter.

Merchant vessels visiting other than Treaty ports, or smuggling, shall with their cargoes be confiscated.

ART. XXI.—Les navires de commerce Belges pourront visiter les ports et villes ouverts au commerce étranger et circuler librement de l'un à l'autre avec leurs marchandises. Mais il leur est défendu de visiter d'autres ports ou de faire un commerce clandestine sur la côte, sous peine de confiscation des navires et des marchandises engages dans ces opérations. Cette confiscation aura lieu au profit du Gouvernement Chinois, qui devra cependant, avant que la saisie et la confiscation soient légalement prononcées, en donner avis au Consul Belge du port le plus voisin.

Engagement of pilots.

ART. XXII.—Same as Brit. Tn., Art. 35.

Vessels to be watched.

ART. XXIII.—Same as Brit. Tn., Art. 31.

Report to Customs. False manifest, etc.

ART. XXIV.—Same as Fr. Tn., Art, 17, and as Brit. Tn., Art. 37 and 38, except that "dollars" are substituted, as in the French Treaty, for "taels" in the amount of fine prescribed.

Tonnage Dues when payable.

ART. XXV.—Same as Brit. Tn., Art. 30.

Duty on part of merchandise discharged.

ART. XXVI.—Tout navire Belge entré dans l'un des ports ouverts au commerce étranger, et que voudra n'y décharger qu'une partie de son cargaison, ne paiera les droits de douane que pour la partie débarquée. Il pourra transporter le reste de sa cargaison dans un autre port, l'y vendre et y acquitter les droits.

Goods transhipped without special permit will be confiscated.

ART. XXVII.—Same as Brit. Tn., Art. 40.

Goods shipped or landed without permits will be confiscated.

ART. XXVIII.—Same as Brit. Tn., Art. 39.

ART. XXIX.—Same as Fr. Tn., Art. 18, omitting the words "et par conséquent . . . . des dites allèges" after "l'autorité Chinoise"; and adding at the end: En cas de fraude dans les dites allèges les marchandises que l'on aura voulu frauder seront possibles de confiscation.

No monopoly or restrictions as to cargo-boats and porters. Confiscation of merchandise if smuggled by cargo-boats.

ART. XXX.—1st clause same as Brit. Tn., Art. 24; 2nd clause same as Brit. Tn., Art. 42; 3rd clause same as Brit. Tn., Art. 43; 4th clause same as Brit. Tn., 44.

Duties prescribed by Tariff. Mode of fixing value of goods, tare, and of adjusting difficulties.

ART. XXXI.—1st clause same as Brit. Tn., Art. 25, with following addition:—

Lorsque les droits de tonnage et de douane dus par le bâtiment et la cargaison auront été intégralemeut acquittés, le chef de la douane délivrera une quittance générale, sur l'exhibition de laquelle l'Agent Consulaire rendra ses papiers de bord au capitaine et lui permettra de mettre à la voile.

Import and Export duties when payable. Port-clearance. Rate of Tonnage dues. Certificates of exemption therefrom. Boats carrying passengers or duty-free articles exempt from Tonnage dues.

ART. XXXII.—Tout bâtiment de commerce Belge jaugeant plus de 150 tonneaux payera les droits de tonnage à raison de 4 maces par tonneau, et tout navire jaugeant 150 tonneaux et moins payera à raison d'un mace par tonneaux.

Lors du payment du droit précité, le chef de la douane delivrera au capitaine ou au consignataire un certificat sur l'exhibition duquel aux autorités douanières de tout autre port Chinois ou il conviendrait au capitaine de se rendre, on ne lui demandera plus de droits de tonnage durant quatre mois à partir de la date de la quittance générale mentionée à l'Art. XXXI.

Sont exemptés des droits de tonnage les embarcations employées par les Belges au transport de passagers, bagages, lettres, comestibles et de tous objets non sujets aux droits. Si les dites embarcations transportaient en outre des marchandises sujettes aux droits, elles resteraient dans la catégorie des navires jaugeant moins de cent cinquante tonneaux et payeraient tous les quatre mois un droit de tonnage d'un mace par tonneau.

Commutation of Transit duties.

ART. XXXIII.—Les Belges qui voudront expédier des produits de l'interieur de la Chine à l'un de ses ports ou des marchandises d'importation d'un port vers un marché de l'intérieur, auront le choix d'en acquitter les droits de transit par un seul payement, perçue de la manière prescrite par le reglement VII du tarif annexé au présent traité.

Transit duty to be one-half the Tariff-duty, except in case of duty-free goods.

Le montant de ce droit unique sera de la moitié des droits fixés par le tarif, à l'exception des merchandises libres à l'entrée et à la sortie, dont le droit de transit s'élevera à deux et demi pour cent *ad valorem*, conformément aux réglement II du tarif joint au présent traité

Il est particulièrement entendu que le payment des droits de transit n'affectera en rien les droits d'entrée et de sortie du tarif, qui seront perçues en entière et séparément.

Coast Trade. Duty paid exports may be imported at another Chinese port in payment of half tariff duty. If re-exported to another port, a drawback certificate to be granted.

ART. XXXIV.—Les navires Belges pourront transporter des produits Chinois de l'un à l'autre des ports ouverts au commerce étranger en payant au port d'embarquement les droits de sortie fixés par le tarif et à celui de débarquement les droits de cabotage qui seront de la moitié des dits droits de sortie. Si des produits Chinois après avoir été transportès d'un port à un autre, sont réexportés pour le commerce de cabotage en dedans un terme de douze mois, ils recevront un certificat de drawback pour les droits de cabotage et ne paieront plus les droits de sortie. Mais ils paieront de nouveau au port de débarquement les droits de cabotage équivalent à la moitié des droits de sortie.

Re-exportation of imports. Drawback certificates to be granted for amount of import duty.

ART. XXXV.—Dans le cas ou des négociants Belges après avoir acquitté dans un port Chinois les droits sur des marchandises importées voudraient les réexporter, ils en préviendraient le chef de la douane afin de faire constater par celui-ci l'identité de la marchandise et l'integrité des colis. Si en comparant les marchandises avec la déclaration on découvrait de la fraude, les marchandises passées en fraude, seraient passibles de confiscation.

La verification ayant eu lieu négociant Belge en réexportant les marchandises étrangères pour un pays étranger ou pour un port Chinois, recevra du chef de la douane un certificat de drawback équivalent au montant des droits déja payès sur ces marchandises.

Coast trade drawback, to be issued within twelve months after importation.

Si des produits Chinois sont réexportés pour un port étranger en dedans les douze mois, le négociant ou le capitaine Belge aura droit à un certificat de drawback pour les droits de cabotage payés sur les mêmes produits.

Les certificats de drawback seront reçus par la douane du port qui les a délivrés pour leur valeur entière comme de l'argent comptant en payement de tous droits d'entrées ou de sortie.

Re-exportation of imports.

Les céréales étrangères apportées par un navire Belge dans un port de la Chine pourront, si aucune partie n'en a été débarquée, être réexportées sans aucune entrave.

Weights and measures.

ART. XXXVI.—Same as Brit. Tn., Art. 34.

Medium and manner of duty payments.

ART. XXXVII.—Le chef de la douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les droits dus pour le compte du gouvernment. Les recepissés de ces maisons de change seront rèputes délivrés par le Gouvernement Chinois.

Des payements pourront d'operer en lingots ou en monnaies étrangères, dont le rapport avec l'argent sycé sera determiné, suivant les circonstances, de commun accord entre l'agent consulaire Belge et le chef de la douane.

A ship smuggling may be forbidden from further trading. The goods to be confiscated.

ART. XXXVIII.—Si. contre toute attente, un navire Belge s'occupait de contrebande, les marchandises quelque soient leur valeur et leur nature, seront saisies par les autorités Chinoises et l'entrée de la Chine pourra être interdite au bâtiment, qui sera contraint de partir aussitôt après l'apuration de ses comptes.

Means to prevent smuggling,

ART. XXXIX.—Same as Brit. Tn., Art. 46.

Penalties and confiscations

ART. XL.—Same as Brit. Tn., Art., 49.

Belgian ships of war.

ART. XLI.—Same as Brit. Tn., Art. 52, with following addition; et les bâtiments seront exempts de toute espèce d'impôts.

Belgian vessels in distress may enter any port of China without payment of Tonnage or Customs' dues. Vessels wrecked or stranded to receive assistance.

ART. XLII.—Si un navire de commerce Belge, étant contraint par suite d'avaries ou par d'autres causes de chercher refuge dans un port, il pourra entrer dans tout port Chinois sans exception, sans être sujet au payement des droits de tonnage. De même il n'y aura point de droit de douane à acquitter sur les marchandises qu'il aura à bord, pourvu que celles-ci ni soient déchargées qu'à cause de la reparation du navire et qu'elles restent sous la surveillance du chef de la douane. Si un tel navire venait à échouer ou à se perdre, les autorités Chinoises prendraient sur-le-champ des mesures pour le sauvetage de l'équipage et la preservation du navire et de sa cargaison. L'équipage sauvé sera bien traité et, en cas de besoin pourvu de moyens pour arriver à la station consulaire la plus proche.

Mutual extradition.

ART. XLIII.—Same as Fr. Tn., Art. 32.

Piracy and robbery.

ART. XLIV.—Same as Fr. Tn., Art. 34.

Belgians to have advantage of all ameliorations in tariff.

ART. XLV.—Same as Fr. Tn., Art. 9.

Revision of present Treaty and Tariff.

ART. XLVI.—Same as Fr. Tn., Art. 40, down to "ratifications." The remainder, same as Brit. Tn., Art. 27.

Exchange of ratifications at Shanghai.

ART. XLVII.—Les ratifications du présent Traité d'Amitié, de Commerce, et de Navigation respectivement signées par Sa Majesté le Roi des Belges et par Sa Majesté l'Empereur de la Chine seront échangées à Shanghai dans le délai d'un an ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé leur sceaux.

Fait en quatre expéditions à Pékin, le 2 Novembre, 1865. 2nd Nov., 1865.

[L.S.]	(Signé)	AUGUSTE T'KINT.
[L.S.]	(Signé)	TOUNG SIUN.
[L.S.]	(Signé)	CHUNG HOW.

Le Plénipotentiaire de Belgique et ceux de l'Empire Chinois qui ont signé aujourd'hui un Traité d'Amitié, de Commerce, et de Navigation entre les deux pays, sont convenu du Tarif des droits d'entrée et des droits sortie qui suit, et des règlements commerciaux qui le terminent, comme annexe et complément au dit Traité.

En conséquence, ce tarif et ces réglements auront la même force et valeur que s'ils étaient insérés mot à mot dans le Traité.

[Here follows the Tariff and Tariff Rules, the same as appended to the British Treaty of Tientsin, with the modifications made therein in 1862.]

DENMARK.

TREATY OF AMITY, COMMERCE, AND NAVIGATION BETWEEN DENMARK AND CHINA.

Signed, in the English and Chinese Languages, at Tientsin, 13th July, 1863.

Ratifications exchanged at Shanghai, 29th July, 1864.

His Majesty the King of Denmark, and His Majesty the Emperor of China, being alike desirous to place upon a solid basis and to secure for all time to come, the friendly relations between their respective countries, have resolved to enter into a Treaty or General Convention of Amity, Commerce, and Navigation, the stipulations of which shall in future be mutually observed in the intercourse between the two High Contracting Parties, and have for that purpose named and appointed as their Plenipotentiaries, that is to say:

Plenipotentiaries.

Mr. R. von Raasloff.

His Majesty the King of Denmark, Waldemar Rudolph von Raasloff, His Envoy *ad hoc* in Extraordinary Mission, His Lieutenant-Colonel, Chargé d'Affaires and Consul-General to the United States of America, Knight of the Royal Order of Dannebrog, decorated with the Cross of Honour of the same Order, Knight of the Imperial French Order of the Legion of Honour, etc., etc., etc.;

Hang Ki.

Ch'ung How.

And His Majesty the Emperor of China, Hang Ki, High Imperial Commissioner of the Ta Tsing Dynasty, Senior Vice-President of the Board of Works, member of the Ministry of Foreign Affairs and of the Board of Rites, etc., etc., and Chung How, High Imperial Commissioner of the Ta Tsing Dynasty, Minister Superintendent of Trade at the three Northern Ports, and Superintendent of Customs at Tientsin and other Ports, etc., etc., etc.;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon the following Articles:—

Amity and mutual protection.

ART. I.—There shall be, as there has always been, peace and friendship between His Majesty the King of Denmark and His Majesty the Emperor of China; and their respective subjects shall equally enjoy, in the dominions of the High Contracting Parties, full and entire protection for their persons and property.

Diplomatic Representatives.

ART. II.—Same as Brit. Tn., Art. 2.

Diplomatic privileges.

ART. III.—His Majesty the Emperor of China hereby agrees that the Diplomatic Agent, so appointed by His Majesty the King of Denmark, may visit Peking as often as necessary for the transaction of important business.

His Majesty's Representative shall enjoy all the privileges and immunities which belong to his office under the law of nations; he shall be at liberty to choose his own servants and attendants, who shall not be subject to any kind of molestation whatever.

Any person guilty of disrespect or violence to His Majesty's Representative, or to any member of his family or establishment, in deed or word, shall be severely punished by the Chinese authorities.

Travel and correspondence.

ART. IV.—Same as Brit. Tn., Art. 4.

Transaction of affairs.

ART. V.—It is agreed that the Representative of His Majesty the King of Denmark shall transact all business with Ministers of His Majesty the Emperor of China, whether personally or in writing, on terms of perfect equality.

Chinese Diplomatic Agent in Denmark.

ART. VI.—Same as Brit. Tn., Art. 6.

Consuls.

ART. VII.—Same as Brit. Tn., Art. 7, with following addition:

The Danish Government may, whenever it does not deem it necessary to appoint a Consul at an open port, entrust the Consul of a friendly Power with the duties of Danish Consul at that port.

Christian Religion.

ART. VIII.—Danish subjects who profess or teach the Christian Religion shall be entitled to the protection of the Chinese authorities; nor shall any such persons, peaceably pursuing their calling, and not offending against the law, be persecuted or interfered with.

Passports for travel.

ART. IX.—Same as Brit. Tn., ART. 9.

Official correspondence.

ART. X.—The form of correspondence between the Danish and Chinese authorities will be regulated by their respective rank and position, based upon complete reciprocity. Between the authorities of both nations, being of equal rank, such correspondence will take the form of Despatch or Communication (*chao-hwei*).

Consuls or other authorities of Denmark inferior to Consuls, will, in addressing the heads of Provincial Government, employ the form of Exposition (*shên ch'en*), and the latter in addressing the former, will employ the form of Declaration (*cha-hing*). Merchants, and all other subjects of either nation, not invested with an official character, will adopt, in addressing the authorities of the other nation, the form of Representation (*pin*).

Ports open to Danish trade.

ART. XI.—It is agreed that Danish merchant-vessels may frequent all the following Ports, namely: Canton, Swatow, Amoy, Foochow, Ningpo, Shanghai,—Nanking, Chinkiang, Kiukiang, and Hankow, on the River Yangtsze,—Chefoo, Tientsin, Newchwang,—Tamsui, and Taiwanfoo, on the Island of Formosa, and Kiungchow on the Island of Hainan.

Danish subjects are permitted to carry on trade at those ports with whomsoever they please, and to proceed to and fro at their pleasure with their vessels and merchandise; to build or rent houses, lease land therein, and to build churches, hospitals, and cemeteries.

Land and buildings.

ART. XII.—Same as Brit. Tn., Art. 12.

Employment of Chinese.

ART. XIII.—Same as Brit. Tn., Art. 13.

Cargo and passenger boats and coolies.

ART. XIV.—Same as Brit. Tn., Art. 14.

Jurisdiction of Danish authorities in civil cases.

ART. XV.—All questions in regard to rights, whether of property or person, arising between Danish subjects, shall be subject to the jurisdiction of the Danish authorities; and all controversies, occurring in China between subjects of Denmark and the subjects of any other foreign power, shall be regulated by the Treaties existing between Denmark and such powers, respectively, without interference on the part of China. But if, in such controversies, Chinese subjects be parties involved, the Chinese authority shall be assessor in all proceed-

ings, as in the cases provided for by Articles XVI and XVII of this Treaty.

Jurisdiction in Criminal cases.

ART. XVI.—Chinese subjects who may be guilty of any criminal act towards Danish subjects, shall be arrested and punished by the Chinese authorities according to the laws of China.

Danish subjects, who may be guilty of any criminal act towards Chinese subjects, shall be arrested and punished by the Danish authorities, according to the laws of their country, and in the form and manner to be hereafter prescribed by the Danish Government.

The Chinese Government will on its part similarly control Chinese subjects.

Justice shall be equitably and impartially administered on both sides.

Mode of settling disputes between Danish and Chinese subjects.

ART. XVII.—Same as Brit. Tn., Art. 17.

Chinese authorities shall protect persons and property of Danish subjects from insult, and bring offenders to justice.

ART. XVIII.—Same as Brit. Tn., Art. 18, with following addition:

But if the authority whose charge it is shall fail to arrest those guilty of the above acts, all that can be required of the Chinese Government is that it shall punish the said authority according to the laws of China.

Action in the event of pirates attacking Danish ships in Chinese waters.

ART. XIX.—Same as Brit. Tn., Art. 19, with following addition:

But if the authority whose charge it is shall fail to seize the guilty parties and recover the stolen property, all that can be required of the Chinese Government is that it shall punish the said authority according to the laws of China; it is to not indemnify the persons robbed.

Wreck or stranding.

ART. XX.—Same as Brit, Tn., Art. 20.

Extradition.

ART. XXI.—Same as Brit. Tn., Art. 21.

Action in case of absconding debtors. Neither Government responsible for individual debts.

ART. XXII.—Same as Brit. Tn., Art. 22, with following addition: But on either side is Government to indemnify the creditor.

Rate of duties.

ART. XXIII.—Same as Brit. Tn., Art. 24.

Period for payment of duties.

ART. XXIV.—Same as Brit. Tn., Art. 25.

Tariff.

ART. XXV.—Danish merchants, importing or exporting merchandise to or from a Chinese port, shall pay duty thereon according to the Tariff appended to this Treaty.

Revision of Tariff and Commercial articles.

ART. XXVI.—Same as Brit. Tn., Art. 27, except that the first period for revision is fixed "at the end of June, 1868."

Transit duties, commutation.

ART. XXVII.—It shall be at the option of any Danish subject, desiring to convey produce purchased inland to a port, or to convey imports from a port to an inland market, to clear his goods of all transit-dues, by payment of a single charge, levied in the manner prescribed in Rule VII of the Commercial Articles appended to this Treaty.

The amount of that single charge shall be one-half of the tariff, duties, except in the case of the duty-free goods, liable to a transit-duty of two-and-a-half per cent. *ad valorem*, as provided by Rule II of the Commercial Articles appended to this Treaty.

It is distinctly understood, that the payment of transit-duties, by communication or otherwise, shall in no way effect the tariff-duties on

imports or exports, which will continue to be levied separately and in full.

Tonnage Dues; certificates of exemption.

ART. XXVIII.—Same as Brit. Tn., Art. 29.

Tonnage Dues payable by ships 48 hours in port; no other fees.

ART. XXIX.—Same as Brit. Tn., Art. 30.

Boats conveying passengers or duty free articles exempt from Tonnage Dues.

ART. XXX.—Same as Brit. Tn., Art. 31.

Beacons, lightships, etc.,

ART. XXXI.—Same as Brit. Tn., Art. 32.

Medium and mode of payment of duties.

ART. XXXII.—Duties shall be paid to the bankers authorised by the Chinese Government to receive the same in its behalf, in sycee or in foreign money, the latter being received from Danish merchants at the same rate of exchange as from other merchants, and in no case at another or a higher rate.

Weights and Measures.

ART. XXXIII.—Sets of standard weights and measures, prepared according to the standard issued to the Canton Custom-house by the Board of Revenue, shall be delivered by the Superintendent of Customs to the Consul at each port. To secure uniformity and prevent confusion, it is distinctly understood, that the equivalent of the above weights and measures is that laid down in Rule IV of the Commercial Articles appended to this Treaty.

Pilots.

ART. XXXIV.—Same as Brit. Tn., Art. 35.

Vessels to be watched.

ART. XXXV.—Same as Brit. Tn., Art. 36.

Ship's papers and report to Customs.

ART. XXXVI.—Same as Brit. Tn., Art. 37.

Penalty for discharging without permits.

ART. XXXVII.—Same as Brit. Tn., Art. 38.

Goods shipped or landed without permits to be confiscated.

ART. XXXVIII.—Same as Brit. Tn., Art. 39.

Goods transhipped without special permit to be confiscated.

ART. XXXIX.—Same as Brit. Tn., Art. 40.

Port clearance on payment of dues.

ART. XL.—When all dues and duties shall have been paid, the Superintendent of Customs shall give a Port clearance.

Mode of fixing value of goods.

ART. XLI.—Same as Brit. Tn., Art. 42.

Mode of settling tare.

ART. XLII—Same as Brit. Tn., Art. 43.

Duty on damaged goods.

ART. XLIII.—Same as Brit. Tn., Art. 44.

Coast trade Half-duty.

ART. XLIV.—Chinese produce may be carried coastwise in Danish vessels from one open port to another on paying tariff-duty at the port of shipment, and coast-trade-duty (the amount of which shall be one-half of the tariff-duty) at the port of discharge. Chinese produce brought in from another port, if re-exported coastwise within twelve months, will be entitled to a drawback-certificate for the half-duty paid, and no export duty will be charged on shipment; but the half-tariff-duty or coast-trade-duty, will again be charged at the port of discharge.

Re-exportation. Drawback Certificates, Re-exportation of foreign grain.

ART. XLV.—Danish merchants who may have imported merchandise into any of the open ports, and paid the duty thereon, if they desire to re-export the same, shall be entitled to make application

to the Superintendent of Customs for permission to do so, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered in the Custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged. If, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to confiscation by the Chinese Government. Having complied with these conditions, the Danish merchant shall, on re-exporting foreign merchandise to a foreign country, or to another Chinese port, be entitled to a drawback-certificate for the amount of import duty paid thereon. On re-exporting Chinese produce, within twelve months, to a foreign country, the Danish merchant shall be entitled to a drawback-certificate for the coast-trade-duty paid thereon.

Drawback-certificates shall be valid tenders to the Customs, in payment of import or export duties, at the port at which they have been issued.

Foreign grain, brought into any port of China in a Danish ship, if no part thereof has been landed, may be re-exported without hindrance.

Measures to prevent smuggling.

ART. XLVI.—Same as Brit. Tn., Art. 46.

Ships trading elsewhere than at the open ports, subject with their cargo to confiscation.

ART. XLVII.—Same as Brit. Tn., Art. 47.

Ships smuggling may be prohibited from trading, and the goods confiscated.

ART. XLVIII.—Same as Brit. Tn., Art. 48.

Penalties and confiscations.

ART. XLIX.—Same as Brit. Tn., Art. 49.

Language of official correspondence. English text of present Treaty to be held as correct.

ART. L.—All official communications, addressed by Diplomatic and Consular Agents of His Majesty the King, to the Chinese authorities, shall be written in English. They will, for the present be accompanied by a Chinese version; but it is understood, that in the event of there being any difference of meaning between the English and the Chinese text, the Danish Government will hold the sense as expressed in the English text to be the correct sense. This provision applies also to the present Treaty, copies of which, both in the English and the Chinese languages, will be signed and sealed by the Plenipotentiaries of the two High Contracting Parties.

Use of "I" (Barbarian) to be discontinued.

ART. LI.—Same as Brit. Tn., Art. 51.

Danish ships of War.

ART. LII.—Same as Brit. Tn., Art. 52.

Suppression of piracy.

ART. LIII.—Same as Brit. Tn., Art. 53.

Most favoured nation privileges.

ART. LIV.—Same as Brit. Tn., Art. 54.

Exchange of Ratifications at Shanghai or Tientsin.

ART. LV.—The ratifications of this Treaty, under the hands of His Majesty the King of Denmark, and His Majesty the Emperor of China, respectively, shall be exchanged at Shanghai or Tientsin within a year from this day of signature.

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

13th July, 1863.

Done at Tientsin this thirteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three.

To the foregoing Treaty are appended—1stly, a Tariff of Duties, and 2ndly, Rules in connection with the Tariff, all of which are identical with those appended to the British Treaty of Tientsin, with the following exceptions:—

a.—In the Tariff, the words "except from Tangchow and Newchwang" after "Beans and Peas" and "Beancake," are expunged.

b.—In the Rules, para. 4 of Rule 5 (relating to the export of Pulse from Tangchow and Newchwang) is omitted, in pursuance of the agreement arrived at on this subject between the British Minister and the Chinese Government in 1862. Para. 5 of the British text becomes para. 4.

c.—Rule 9 of the British text (relating to abolition of the Meltage fee) is omitted, and the following is substituted for Rule 10 in the British text:

Rule 9.—*Collection of Duties under one system at every Port.*

It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on Danish trade, it is agreed that one uniform system shall be enforced at every port.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling upon the Yangtsze-kiang, when that river shall be opened to trade.

Done at Tientsin, this thirteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three.

[L.S.] (Signed) W. R. RAASLOFF.

[L.S.] (Signed) CHINESE PLENIPOTENTIARIES.

[Translated from the Dutch.]

HOLLAND.

TREATY BETWEEN THE NETHERLANDS AND CHINA.

Signed at Tientsin, in the Dutch and Chinese Languages, 6th October, 1863.

His Majesty the King of the Netherlands and His Majesty the Emperor of China, being desirous of confirming and extending the amicable relations which for centuries past have existed between the two countries, have for that purpose named as their Plenipotentiaries, that is to say:

Plenipotentiaries.

Van der Hoeven, Hr.

His Majesty the King of the Netherlands, Heer J. des Amorie van der Hoeven, special plenipotentiary of His Majesty the King of the Netherlands to China;

Ch'ung How.

And His Majesty the Emperor of China, Ch'ung How, Vice-President of the Board of War, Minister Plenipotentiary Commissioner for the commercial affairs of the three northern ports, Lieutenant-General of the Chinese Red Banner force, Superintendent of Customs at Tientsin;

Who, after having exhibited to each other their respective full powers, and found them to be in good and due form, have concluded the following agreement:

Diplomatic Representative and Consular Officers.

ART. I.—His Majesty the King of the Netherlands may appoint an Ambassador, Minister or other Diplomatic Agent to be His Majesty's representative at the Court of China and to superintend the national interests; and further may appoint Consuls, Vice-Consuls or Consular Agents for the Government and protection of His Majesty's subjects at the different ports opened to trade in the Empire of China. The appointment of such Consular functionaries shall be duly reported to the respective Imperial Commissioners superintending foreign trade in the different provinces, who shall give notice to the local authorities of each port, in order that they may recognize the functionaries so appointed.

His Netherlands' Majesty's representative at the Court of His Majesty the Emperor of China shall be entitled to proceed to the Imperial capital, for the settlement of affairs of State, without any interference on the part of the Chinese Government, and at his own expense whether going or returning.

Diplomatic privileges and relations.

All Netherlands' Government functionaries in China shall have full liberty to travel through the Chinese Empire, under protection of the Chinese Government against insult or hindrance of any kind. They shall never be called upon to perform any ceremonial of respect, derogatory to their dignity as representatives of an independent nation.

In transacting affairs of State, His Netherlands' Majesty's representative at the Chinese Court, shall communicate verbally or in writing with the Imperial Ministers on a footing of equality. Consuls

or Agents in charge shall rank with Intendants of Circuit; and Vice-Consuls or Agents in charge with Prefects, and shall accordingly hold intercourse, verbally or in writing, under equal forms of courtesy.

Ports open to Netherlands' Trade. Right of residence. Renting of lands and erection of buildings, etc.

ART. II.—The ports opened to Netherlands' trade in the Empire of China, are the following, viz., Canton, Swatow, Amoy, Foochow, Ningpo, Shanghai, Tientsin, Chefoo, Newchwang, Taiwan, and Tamsui (Formosa), and Kiung-chow (Hainan). Netherlands' subjects have entire liberty to come and go there with their vessels and merchandise, and enjoy there the full right of residence, renting and letting land and buildings, building residences and stores, churches, hospitals, cemeteries, etc., etc. The rents to be charged shall be established equitably and without any exaction.

River Ports.

At the river ports, Hankow, Kiukiang and Chinkiang, Netherlands' subjects shall also enjoy the personal and commercial privileges above described, subject to the general rules of control framed by the Chinese Government with respect to foreign trade on the Yangtszekiang; but the places occupied at present by rebels or robbers shall not be frequented by them nor be provided with ammunition or stores by their vessels; the penalty for infraction of which rule is confiscation of ship and cargo with delivery of the persons implicated to the nearest Netherlands' Consulate.

Rebels or robbers.

Travel and trade in interior. Passports.

ART. III.—Netherlands' subjects shall have the right to travel through the interior of China, either for their amusement or for purposes of trade. If intending to travel for their pleasure, they must provide themselves with a passport issued by the Netherlands' Consulate at the port of departure, and visé'd by the local authorities there, which document shall be exhibited to the Chinese authorities of all places through which they pass. Such travellers shall be everywhere permitted to hire for themselves the necessary means of transport, without hindrance. Should a Netherlands' subject be found travelling without the required passport, or during his travel commit any offence against the law, he shall be arrested and delivered up to the nearest Netherlands' Consulate for punishment, but he may not be subjected to ill-usage on the way. For short excursions from the open ports to a distance not exceeding 100 *li* (about 30 English miles) and for periods not exceeding five days, no passport is required. The latter provision, however, shall not apply to crews of ships.

Restrictions on trade in interior.

Netherlands' subjects travelling in the interior to trade or to convey merchandise, shall conform themselves to the general rules established on this subject. They shall not be at liberty to open houses of business or shops in the interior.

Christian Religion.

ART. IV.—Netherlands' Missionaries of the Christian religion intent upon the peaceful propagation of the gospel in the interior of China, shall enjoy the protection of the Chinese authorities. Natives wishing to embrace Christian tenets shall not be hindered or molested in any way, so long as they commit no offence against the laws.

Employment Chinese, boats, and coolies.

ART. V.—No obstacle whatever shall be offered by the Chinese authorities against Netherlands' subjects engaging the services of Chinese for any lawful purpose. Netherlands' subjects are at liberty everywhere to hire boats or other means of transport for passengers or goods by mutual agreement, without any intervention on the part of the Chinese authorities being requisite. No limit or monopoly shall be established as to the number or character of the boats or coolies to be so engaged or the wages to be paid. But should such means of transport be used to evade the payment of duty the offenders will be punished.

Jurisdiction in Civil cases.

ART. VI.—All disputes arising between Netherlands' subjects shall be referred to the Netherlands' Consul without interference of the Chinese authorities. In case of disputes between Netherlands' subjects and Chinese, the authorities of their nation shall endeavour to persuade the contending parties to come to an amicable settlement, but if they do not succeed, the respective authorities shall consult together and decide according to law. Chinese found guilty of any

Jurisdiction in Criminal cases.

criminal offence against Netherlands' subjects, shall be taken before their own authroities for punishment; and on the same principle, all Netherlands' subjects who commit crimes against Chinese, shall be judged by the Netherlands' authorities, according to their own laws; on both sides judgment will be given with rigour and impartiality.

Extradition.

Netherlands' delinquents who take refuge in the interior, or Chinese delinquents taking refuge in the houses or ships belonging to Netherlands' subjects, shall after official requisition being made, and after mutual cognizance of the case being taken, be delivered up without delay to their respective lawful judges; they shall not be harboured or concealed.

Recovery of Debts.

If any Chinese subject, failing to discharge debts incurred to a Netherlands' subject, should abscond, and the Chinese authorities find means to trace the fraudulent debtor, he shall be arrested and prosecuted for the money. Reciprocally all Netherlands' subjects, who may abscond on account of debts incurred to Chinese, shall, if possible, be proceeded against by the Netherlands' authorities. But neither of the two governments shall be held answerable for the recovery of such debts.

Protection to persons and property.

ART. VII.—The Chinese Government engages at all times to protect the persons and property of Netherlands' subjects, and in cases of assault or robbery, to take forthwith the necessary steps for tracing and recovering the stolen property, and for bringing the offenders to justice.

Protection in case of piracy

Should any Netherlands' vessel, whilst in Chinese waters, be plundered by pirates, the Chinese authorities will do all they can to punish the offenders and recover their booty to be returned to the lawful owner through the agency of the nearest Netherlands' Consulate. But they shall not be held answerable for such recovery.

and shipwreck.

If any Netherlands' vessel should suffer shipwreck on the coast of China, or be compelled to take refuge in any harbour in the Chinese Empire, the Chinese authorities will devise measures to save and protect the persons and property endangered, and if necessary provide them with the means to reach the nearest Netherlands' Consulate.

Tonnage dues.

ART. VIII.—Netherlands' merchant-vessels, measuring more than 150 English tons or 86 Netherlands' lasts capacity, have to pay in Chinese ports, four mace per measured English ton for tonnage dues. If not measuring more than 150 English tons, the tonnage dues will not be more than one mace per measured English ton.

Any Netherlands' merchant-vessel, on her clearance from a Chinese port with destination elsewhere, shall on the master's application be entitled to a special Custom-house certificate, on exhibition of which such vessel shall be exempted from all further payment of tonnage dues in any Chinese port, for a period of four months, commencing from the date of her clearance.

Exemptions from Tonnage dues.

Should a Netherlands' merchant-vessel within 48 hours after her arrival in any Chinese port, be again cleared outward, without having discharged or loaded there, no tonnage dues shall be required. After expiration of the term above-named, however, tonnage dues shall be

leviable even if the hatches at that time should not yet have been opened; but no other dues or charges shall in such case be levied. If a vessel should through stress of weather, or damage sustained, be compelled to run into one of the open ports, then the above rule shall not be applied, but the vessel is exempt from tonnage dues there; unless her stay in such port be availed of for discharging or loading merchandise, in which case the full tonnage dues are to be levied.

Cargo-boats subject to tonnage dues.

No tonnage dues shall be payable on boats employed by Netherlands' subjects in the conveyance of passengers, baggage, letters or other articles not subject to duty. All cargo boats, however, employed to convey merchandise subject to duty, shall pay tonnage dues once in four months at the rate of one mace per measured English ton.

Customs' report, and manifest; penalty for delay, etc.

ART. IX.—Within twenty-four hours after arrival of a Netherland's merchant-vessel, the ship's papers, manifest, etc. shall be lodged in the hands of the Consul, who will within a further period of twenty-four hours report to the Superintendent of Customs her name, tonnage, and the nature of her cargo. If, through neglect on the part of the master, this report be not made within forty-eight hours after arrival of the ship, he shall be held liable to a fine of 50 taels for every day's delay; the total penalty, however, not to exceed 200 taels. The master will also be held responsible for the correctness of the manifest, which shall contain a true and full account of the cargo on board. For causing a false manifest to be presented, he will subject himself to a fine of 500 taels; but he will be allowed to correct within 24 hours after its delivery to the Custom-house officers, any mistake he may discover in his manifest, thereby avoiding the above penalty.

Customs' permit

After receiving the Consular report above alluded to, the Superintendent of Customs shall grant the vessel a permit to open the hatches. If the master open the hatches and begin to discharge without such permit, he shall incur a penalty of 500 taels, and the goods taken whilst so being discharged shall be confiscated.

Port clearance.

When all dues and duties on ship and cargo shall have been paid, the Superintendent of Customs shall grant a port clearance, on exhibition of which the Consul shall return the ship's papers, so that she may leave the port.

Procedure in absence of a Netherlands' Consul.

In the absence of a Netherlands' Consul or other functionary lawfully in charge, the master shall place himself in direct relation with the Custom-house authorities, to comply with the rules comprised in this article.

Transit Duties.

ART. X.—Netherlands' subjects shall pay upon all merchandise imported, exported or forwarded in transitu the duties prescribed by the existing tariff of import, export, and transit-duties; but in no case shall they be called upon to pay more than what is required from the subjects of any other foreign power.

Time for payment of duties.

All import-duties are due at the time of shipping the goods, whilst the transit-duty, on forwarding goods through the interior, has to be paid on receipt of the permit given by the Custom-house to that effect.

Transhipment.

No transhipment of goods shall take place from one vessel in port to another without a Customs' permit, on penalty of confiscation of the goods taken whilst being so transhipped.

Permits.

No goods shall be discharged or loaded on board Netherlands' ships otherwise than under a Customs' permit; goods unaccompanied by a permit being likewise liable to confiscation.

Re-exportation coastwise

Netherlands' merchants, having imported goods into any Chinese port under payment of duty, who wish to re-export the same goods to another Chinese port, shall submit them to an inspection by the

Customs' officers. On the identity of the goods, with those already described in the Customs' books, being established, such merchants shall be entitled to a drawback-certificate, stating the amount of import-duty previously paid on the goods, which certificate shall be a valid tender in payment of duty at the same Custom-house. The goods so re-exported are again liable to pay import-duty at the other Chinese port to which they are forwarded. But if on examination any intentional fraud on the revenue shall be detected, then such goods shall be subject to confiscation.

Drawback Certificates.

Re-exportation to a foreign country.

When goods on which the import-duty has been paid are required to be re-exported to a foreign country, a similar drawback-certificate will be obtainable at the local Custom-house in the same way, available as a valid tender in payment of duty to that Custom-house.

Foreign grain.

Foreign grain, brought by Netherlands' vessels into a Chinese port, the discharge of which has not yet commenced, may be re-exported without hindrance. But if landed entirely or in part, the cargo shall not be re-exported otherwise than to a Chinese port, according to the tariff rules.

Method of determining rate for levy of duty.

ART. XI.—Duties on goods shall be charged upon the net weight, making deduction for the actual tare. If a dispute should arise between the Custom-house officers and the merchant respecting the deduction to be made for tare, both parties shall jointly examine and fix the real tare. In other similar cases of disagreement, but which do not admit of adjustment by ocular demonstration, the Netherlands' merchant may appeal within 24 hours to his Consul, who will enter into consultation with the Superintendent of Customs for an equitable arrangement, pending which arrangement the Custom-house officers will postpone the insertion in their books of the amount to be charged.

Ad valorem duty.

With respect to articles subject, according to tariff to an *ad valorem* duty, if the Netherlands' merchant cannot agree with the Chinese officer in affixing a value, then each party shall call two or three merchants to look at the goods, and the highest price at which any of those merchants would be willing to purchase them, shall be assumed as their value.

Damaged goods.

In case of goods being found damaged, the duty will be reduced in proportion to their consequent loss in value, and disagreement on this head shall be adjusted in the same manner as above pointed out in reference to *ad valorem* duties.

Provisions for protection of revenue.

ART. XII.—At each of the Chinese ports opened to foreign trade the Chinese authorities shall adopt the means they may judge most proper to prevent the revenue suffering from fraud or smuggling.

Resort to non-Treaty ports prohibited.

Netherlands' merchant-vessels are prohibited to report to any Chinese ports other than those declared open by this Treaty, under penalty of confiscation of ship and cargo. But this penalty shall not apply in case a Netherlands' vessel should take refuge in an unopened port of China, through necessity or imminent danger of the sea; in such case the Chinese authorities will take measures to protect her and enable her to proceed on her way; watching at the same time against her being unlawfully employed in any trade whilst in their port of refuge, which is prohibited under penalty of confiscation of ship and cargo.

Penalty for smuggling.

If it should be manifest on examination, that a Netherlands' vessel has been engaged in smuggling, the goods, whatever the value or nature, shall be subject to confiscation, and besides such vessel may be considered as having forfeited henceforth the privileges ensured by this Treaty.

All penalties enforced, or confiscations made under this Treaty, shall be appropriated to the Government of China.

Vessels of war.

ART. XIII.—Netherlands' ship-of-war, resorting to China for no hostile purpose, or engaged in pursuit of pirates, shall be at liberty to visit all ports belonging to the Chinese Empire, there to procure provisions or water, or, if required, for the making of repairs. The commanders of such ships shall hold intercourse with the Chinese authorities on terms of equality and mutual courtesy.

Dutch and Chinese texts of Treaty to be appealed to on either side.

ART. XIV.—All official communications, addressed by the representative or Consular functionaries of His Majesty the King of the Netherlands to the Chinese authorities, shall be written in Dutch, accompanied by a Chinese translation; with this understanding, however, that in the event of a disagreement arising as to the interpretation to be given to any expression used, the Netherlands as well as the Chinese authorities, shall each consider their own text as the document by which the true meaning of each has to be tested.

The same applies to the present Treaty, the Chinese version of which has been carefully collated with the original Dutch.

Most favoured nation clause.

ART. XV.—All rights, privileges or immunities, not included in this Treaty, that may have been or may be hereafter granted to other foreign nations by the Chinese Government, shall be fully participated in by the Netherlands' Government and its subjects.

Ratifications to be exchanged.

ART. XVI.—Within a year after the date of signature of the present Treaty, its ratification shall take place, on which occasion the two high contracting powers shall each delegate a Minister to exchange the ratified Treaties, either at Tientsin or at Canton.

In token of the above we the respective Plenipotentiary Delegates have personally signed and sealed this Treaty.

6th Oct., 1863.

Done at Tientsin this sixth day of October in the year of our Lord one thousand eight hundred and sixty-three; corresponding with the Chinese date, the twenty-fourth day of the eighth moon of the second year of Tong Tsjie.

[L.S.] (Signed) J. DES AMORIE VAN DER HOEVEN.

[L.S.] (Signed) CHUNG HOW.

Separate Article forming part of the Treaty concluded between the Netherlands and China, at Tientsin, the 6th October, 1863.

Revision.

It is agreed that on each occasion of a revision of the tariff of duties on foreign merchandise in the Chinese Empire, which may or shall hereafter occur in conformity with the Treaties concluded between China and other Foreign Powers, the Netherlands' Government shall have the right to participate in the negociations to take place to that effect; for which reason, therefore, no special term of revision of the said tariff has been agreed upon in the present Treaty between the Netherlands and China.

In token whereof we the respective Plenipotentiary Delegates have personally signed and sealed this separate Article appended to the Treaty.

Done at Tientsin, etc. (ut supra.)

PORTUGAL.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE KING OF PORTUGAL AND THE EMPEROR OF CHINA.

Signed, in the Portuguese and Chinese Languages, at Tientsin, 13th August, 1862.
Ratification refused by the Chinese Government.

Treaty of 1862.

This agreement, negotiated between the Minister Plenipotentiary of Portugal, Isidoro Francisco Guimarães, and Hang Ki, High Imperial Commissioner of the Ta Tsing Dynasty, Member of the Ministry of Foreign Affairs, etc., etc., and Chung How, Privy Councellor, Minister of the Board of Rites, etc., etc., was comprised in fifty-four articles, to which a tariff of duties, etc., was appended. The Protocol, etc., of 1887, printed below, supersedes the instrument, of which it reproduces all the essential features.

PROTOCOL, TREATY, CONVENTION, AND AGREEMENT BETWEEN PORTUGAL AND CHINA.

PROTOCOL.

Protocol.

ART. 1st.—A Treaty of friendship and commerce with the most favoured nation clause will be concluded and signed at Peking.

ART. 2nd.—China confirms perpetual occupation and government of Macáo and its dependencies by Portugal, as any other Portuguese possession.

ART. 3rd.—Portugal engages never to alienate Macao and its dependencies without agreement with China.

ART. 4th.—Portugal engages to co-operate in opium revenue work at Macao in the same way as England in Hongkong.

Done at Lisbon, the 26th March, 1887.

HENRIQUE DE BARROS GOMES.

JAMES DUNCAN CAMPBELL.

THE TREATY.

(Ratifications Exchanged at Peking 28th April, 1888.)

His Most Faithful Majesty the King of Portugal and the Algarves, and His Imperial Majesty the Emperor of China, desiring to draw closer and to consolidate the ties of friendship which have subsisted for more than three hundred years between Portugal and China, and having agreed in Lisbon on the 26th day of March, 1887, 2nd day of 3rd moon of the 13th year of the reign of Emperor Kwang-sü, through their representatives, on a Potocol of four Articles, have now resolved to conclude a Treaty of Amity and Commerce to regulate the relations between the two States; for this end they have appointed as their Plenipotentiaries, that is to say:— Plenipotentiaries.

His Most Faithful Majesty the King of Portugal and the Algarves, Thomas de Souza Roza, His Envoy Extraordinary and Minister Plenipotentiary in special mission to the Court of Peking, Knight of the Order of Nossa Senhora de Conceição de Villa Viçosa, Grand Cross of the Order of the Rising Sun of Japan and of the Crown of Siam, Commander of the Order of Charles III. and of Isabella the Catholic of Spain, and Knight of the Iron Crown of Austria; Thomas de Souza Roza.

His Imperial Majesty the Emperor of China, His Highness Prince Ch'ing, President of the Tsung-li Yamên, and Sun, Minister of the Tsung-li Yamên and Senior Vice-President of the Board of Public Works; Prince Ch'ing, Sun.

Who after having communicated to each other their respective full powers and found them to be in good and due form, have agreed upon the following Articles:—

ART. I.—There shall continue to exist constant peace and amity between His Most Faithful Majesty the King of Portugal and the Algarves and His Imperial Majesty the Emperor of China, whose respective subjects shall equally enjoy in the dominions of the High Contracting Parties the most complete and decided protection for their persons and property. Amity and Mutual protection.

ART. II.—China confirms in its entirety the second article of the Protocol of Lisbon, relating to the perpetual occupation and government of Macao by Portugal. Occupation of Macao.

It is stipulated that Commissioners appointed by both Governments shall proceed to the delimitation of the boundaries, which shall be determined by a special convention; but so long as the delimitation of the boundaries is not concluded, everything in respect to them shall continue as at present, without addition, diminution, or alteration by either of the parties. Delimitation Commission.

ART. III.—Portugal confirms, in its entirety, the third article of the Protocol of Lisbon, relating to the engagement never to alienate Macao without previous agreement with China. Portugal not to alienate Macao.

ART. IV.—Portugal agrees to co-operate with China in the collection of duties on opium exported from Macao into China ports, in the same way, and as long as England co-operates with China in the collection of duties on opium exported from Hongkong into Chinese ports. Opium duty collection mode.

The basis of this co-operation will be established by a convention appended to this treaty, which shall be as valid and binding to both the High Contracting Parties as the present treaty.

Appointment of Ministers, residence, etc.

ART. V.—His Most Faithful Majesty the King of Portugal and the Algarves may appoint an Ambassador, Minister, or other dilpomatic agent to the Court of His Imperial Majesty the Emperor of China, and this agent, as well as the persons of his suite and their families, will be permitted, at the option of the Portuguese Government, to reside permanently in Peking, to visit that Court, or to reside at any other place where such residence is equally accorded to the diplomatic representative of other nations. The Chinese Government may also, if it thinks fit, appoint an Ambassador, Minister, or other diplomatic agent to reside at Lisbon, or to visit that Court when his Government shall order.

Diplomatic privileges.

ART. VI.—The diplomatic agents of Portugal and China shall reciprocally enjoy in the place of their residence all the prerogatives and immunities accorded by the laws of nations: their persons, families, and houses, as well as their correspondence shall be inviolate.

Language of Correspondence.

ART. VII.—The official correspondence addressed by Portuguese authorities to the Chinese authorities shall be written in the Portuguese language accompanied by a translation in Chinese, and each nation shall regard as authoritative the document written in its own language.

Modes of address.

ART. VIII.—The form of correspondence between the Portuguese and the Chinese authorities will be regulated by their respective rank and position, based upon complete reciprocity. Between the high Portuguese and Chinese functionaries at the capital or elsewhere, such correspondence will take the form of dispatch (Chau-hoei); between the subordinate functionaries of Portugal and the chief authorities of the provinces, the former shall make use of the form of exposition (Xen-chen) and the latter that of declaration (Cha-hsing); and the subordinate officers of both nations shall correspond together on terms of perfect equality. Merchants and generally all others who are not invested with an official character shall adopt, in addressing the authorities, the form of representation or petition (Pin-ching).

Consuls.

ART. IX.—His Most Faithful Majesty the King of Portugal and the Algarves may appoint Consul-General, Consuls, Vice-Consuls, or Consular agents in the ports or other places where it is allowed to other nations to have them. These functionaries will have powers and attributes similar to those of the Consuls of other nations, and will enjoy all the exemptions, privileges, and immunities which at any time the consular functionaries of the most favoured nations may enjoy.

The Consuls and the local authorities will show to each other reciprocal civilities and correspond with each other on terms of perfect equality.

The Consuls and acting Consuls will rank with Taotais, Vice-Consuls, acting Vice-Consuls, Consular agents and interpreters, translators, with Prefects. The Consuls must be officials of the Portuguese Government and not merchants. The Chinese Government will make no objection in case the Portuguese Government should deem it unnecessary to appoint an official Consul at any port and choose to entrust a Consul of some other nations, for the time being, with the duties of Portuguese Consul at that port.

Portugal to enjoy same privileges, etc., as other nations, limitations.

ART. X.—All the immunities and privileges, as well as all the advantages concerning commerce and navigation, such as any reduction in the duties of navigation, importation, exportation, transit or any other, which may have been or may be hereafter granted by China to any other State or to its subjects will be immediately extended to Portugal and its subjects. If any concession is granted by the Chinese Government to any foreign Government under special conditions, Portugal, on claiming the same concession for herself and for her own subjects, will equally assent to the conditions attached to it.

Trade at open ports.

ART. XI.—Portuguese subjects are allowed to reside at, or frequent, the ports of China open to foreign commerce and there carry on trade or employ themselves freely. Their boats may navigate without hindrance between the ports open to foreign commerce, and they may import and export their merchandise, enjoying all the rights and privileges enjoyed by the subjects of the most favoured nation.

Rates of duty to be levied.

ART. XII.—Portuguese subjects shall pay import and export duties on all merchandise according to the rates specified in the tariff of 1858, adopted for all the other nations; and in no instance shall higher duties be exacted from them than those paid by the subjects of any other foreign nation.

ART. XIII.—Portuguese subjects are permitted to hire any description of boats they may require for the conveyance of cargo or passengers, and the price of said hire will be fixed by the contracting parties alone, without interference of the Chinese Government. No limit shall be put to the number of boats, neither will it be permitted to any one to establish a monopoly of such boats or of the service of coolies employed in the carriage of merchandise.

Should contraband articles be on board any such boats, the guilty parties shall immediately be punished according to law.

Chinese subjects may be freely employed.

ART. XIV.—Portuguese subjects residing in the open ports may take into their service Chinese subjects, and employ them in any lawful capacity in China, without restraint or hindrance from the Chinese Government; but shall not engage them for foreign countries in contravention of the laws of China.

Persons and property to be protected

ART. XV.—The Chinese authorities are bound to grant the fullest protection to the persons and to the property of Portuguese subjects in China, whenever they may be exposed to insult or wrong. In case of robbery or incendiarism, the local authorities will immediately take the necessary measures to recover the stolen property, to terminate the disorder, to seize the guilty, and punish them according to the law. Similar protection will be given by Portuguese authorities to Chinese subjects in the possession of Portugal.

Rent and purchase of property.

ART. XVI.—Whenever a Portuguese subject intends to build or open houses, shops or warehouses, churches, hospitals, or cemeteries, at the Treaty ports, or at other places, the purchase, rent, or lease of these properties shall be made out according to the current terms of the place, with equity, without exaction on either side, without offending against the usages of the people, and after due notice given by the proprietors to the local authority. It is understood, however, that the shops or warehouses above mentioned shall only be allowed at the ports open to trade, and not in any place in the interior.

Interior not open in same way.

Inter-port trade.

ART. XVII.—Portuguese subjects conveying merchandise between open ports shall be required to take certificates from the Superintendent of the Custom-house, such as are specified in the regulations in force with reference to other nationalities.

Passports for inland travel.

But Portuguese subjects, who, without carrying merchandise, would like to go to the interior of China, must have passports issued by their Consuls and countersigned by the local authorities. The bearer of the passport must produce the same when demanded, and the passport not being irregular, he will be allowed to proceed and no opposition shall be offered, especially to his hiring persons or vessels for the carriage of his baggage or merchandise.

If he be without a passport, or if he commits any offence against the law, he shall be handed over to the nearest Consul of Portugal to be punished, but he must not be subjected to an oppressive measure. No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 *li* and for a period not exceeding five days.

The provisions of this article do not apply to crews of ships, for the due restraint of whom regulations will be drawn up by the Consul and the local authorities.

Piracy; local authorities to assist.

ART. XVIII.—In the event of a Portuguese merchant vessel being plundered by pirates or thieves within Chinese waters, the Chinese authorities are to employ their utmost exertions to seize and punish the said robbers and to recover the stolen goods, which, through the Consul, shall be restored to whom they belong.

Shipwreck; authorities to assist.

ART. XIX.—If a Portuguese vessel be shipwrecked on the coast of China, or be compelled to take refuge in any of the ports of the Empire, the Chinese authorities, on receiving notice of the fact, shall provide the necessary protection, affording prompt assistance and kind treatment to the crews and, if necessary, furnishing them the means to reach the nearest Consulate.

Tonnage Dues, rate of.

ART. XX.—Portuguese merchant vessels of more than one hundred and fifty tons burden will pay tonnage dues at the rate of four mace per ton; if of one hundred and fifty tons and under they shall be charged at the rate of one mace per ton. The Superintendent of Customs shall grant a certificate declaring that the tonnage dues have been paid.

Duties, when payable.

ART. XXI.—Import duties shall be paid on the landing of goods; and export duties upon the shipment of the same.

Duty to be paid on cargo landed.

ART. XXII.—The captain of a Portuguese ship may, when he deems convenient, land only a part of his cargo at one of the open ports, paying the duties due on the portion landed, the duties on the remainder not being payable until they are landed at some other port.

Tonnage Dues payable 48 hours after arrival or on working cargo.

ART. XXIII.—The master of a Portuguese ship has the option, within forty-eight hours of his arrival at any of the open ports of China, but not later, to decide whether he will leave port without opening the hatches, and in such case he will not have to pay tonnage dues. He is bound, however, to give notice of his arrival for the legal registering as soon as he comes into port, under penalty of being fined in case of non-compliance within the term of two days.

The ship will be subject to tonnage dues forty-eight hours after her arrival in port, but neither then nor at her departure shall any other impost whatsoever be exacted.

Cargo boats to pay dues if carrying dutiable cargo.

ART. XXIV.—All small vessels employed by Portuguese subjects in carrying passengers, baggage, letters, provisions or any other cargo which is free of duty, between the open ports of China, shall be free from tonnage dues; but all such vessels carrying merchandise subject to duty shall pay tonnage dues every four months at the rate of one mace per ton.

Pilots; Engagement permitted.

ART. XXV.—Portuguese merchant vessels approaching any of the open ports will be at liberty to take a pilot to reach the harbour; and likewise to take a pilot to leave it, in case the said ship shall have paid all the duties due by her.

Customs Officers to guard vessels in port.

ART. XXVI.—Whenever a Portuguese merchant ship shall arrive at any of the open ports of China, the Superintendent of Customs will send off one or more Custom-house officers, who may stay on board of their boat or on board of the ship as best suits their convenience.

These officers will get their food and all necessaries from the Custom-house, and will not be allowed to accept any fee from the captain of the ship or from the consignee, being liable to a penalty proportionate to the amount received by them.

Manifest how to be sent in; fine for non-presentation or error.

ART. XXVII.—Twenty-four hours after the arrival of a Portuguese merchant ship at any of the open ports, the papers of the ship, manifest, and other documents, shall be handed over to the Consul, whose duty it will be also to report to the Superintendent of Customs within twenty-four hours, the name, the registered tonnage, and the cargo brought by the said vessel. If, through negligence or for any other motive, this stipulation be not complied with within forty-eight hours after the arrival of the ship, the captain shall be subject to a fine of fifty taels for each day's delay over and above that period, but the total amount of the fine shall not exceed two hundred taels.

The captain of the ship is responsible for the correctness of the manifest, in which the cargo shall be minutely and truthfully described, subject to a fine of five hundred taels as penalty in case the manifest should be found incorrect. This fine, however, will not be incurred if, within twenty-four hours after the delivery of the manifest to the Custom-house officers, the captain expressed the wish to rectify any error which may have been discovered in the said manifest.

Discharge of cargo without permit—fine.

ART. XXVIII.—The Superintendent of Customs will permit the discharging of the ship as soon as he shall have received from the Consul the report drawn in due form. If the captain of the ship should take upon himself to commence discharging without permission, he shall be fined five hundred taels, and the goods so discharged shall be confiscated.

Permit to ship or land cargo required.

ART. XXIX.—Portuguese merchants having goods to ship or to land will have to obtain a special permission from the Superintendent of Customs to that effect, without which all goods shipped or landed shall be liable to confiscation.

Permit for transhipment.

ART. XXX.—No transhipment of goods is allowed from ship to ship without special permission, under penalty of confiscation of all the goods so transhipped.

Clearance certificate.

ART. XXXI.—When a ship shall have paid all her duties, the Superintendent of Customs will grant her a certificate and the Consul will return the papers, in order that she may proceed on her voyage.

Ad valorem duty; disputes on value how settled.

ART. XXXII.—When any doubt may arise as to the value of goods which by the tariff are liable to an *ad valorem* duty, and the Portuguese merchant disagrees with the Custom-house officers as regards the value of said goods, both parties will call two or three merchants to examine them, and the highest offer made by any of the said merchants to buy the goods will be considered as their just value.

Tare: mode of settling.

ART. XXXIII.—Duties will be paid on the net weight of every kind of merchandise. Should there be any difference of opinion between the Portuguese merchant and the Custom-house officer as to the mode by which the tare is to be fixed, each party will choose a certain number of boxes or bales from among every hundred packages of the goods in question, taking the gross weight of said packages, then the tare of each of the packages separately, and the average tare resulting therefrom will be adopted for the whole parcel.

In case of any doubt or dispute not mentioned herein, the Portuguese merchant may appeal to the Consul, who will refer the case to the Superintendent of Customs; this officer will act in such a manner as to settle the question amicably. The appeal, however, will only be entertained if made within the term of twenty-four hours; and in such

a case, no entry is to be made in the Custom-house books in relation to the said goods until the question shall have been settled.

Damaged goods: reduced duty.

ART. XXXIV.—Damaged goods will pay a reduced duty proportionate to their deterioration; any doubt on this point will be solved in the way indicated in the clause of this Treaty with respect to duties payable on merchandise *ad valorem*.

Re-Export of duty paid goods.

ART. XXXV.—Any Portuguese merchant who, having imported foreign goods into one of the open ports of China and paid the proper duties thereon, may wish to re-export them to another of the said ports, will have to send to the Superintendent of Customs an account of them, who, to avoid fraud, will direct his officers to examine whether or not the duties have been paid, whether the same have been entered on the books of the Customs, whether they retain their original marks, and whether the entries agree with the account sent in. Should everything be found correct, the same will be stated in the export permit together with the total amount of duties paid, and all these particulars will be communicated to the Custom-house officers at other ports.

Upon arrival of the ship at the port to which the goods are carried, permission will be granted to land without any new payment of duties whatsoever if, upon examination, they are found to be the identical goods; but if during the examination any fraud be detected, the goods may be confiscated by the Chinese Government.

Drawbacks.

Should any Portuguese merchant wish to re-export to a foreign country any goods imported, and upon which duties have been already paid, he will have to make his application in the same form as required for the re-exportation of goods to another port in China, in which case a certificate of drawback or of restitution of duties will be granted, which will be accepted by any of the Chinese Custom-houses in payment of import or export duties.

Foreign cereals.

Foreign cereals imported by Portuguese ships into the ports of China may be re-exported without hindrance, if no portion of them has been discharged.

Prevention of smuggling.

ART. XXXVI.—The Chinese authorities will adopt at the ports the measures which they may deem the most convenient to avoid fraud or smuggling.

Proceeds of fines belong to Chinese Government.

ART. XXXVII.—The proceeds of fines and confiscations inflicted on Portuguese subjects, in conformity to this Treaty, shall belong exclusively to the Chinese Government.

Inland transit, etc., regulations. same as for other nations.

ART. XXXVIII.—Portuguese subjects carrying goods to a market in the interior of the country, on which the lawful import duties have already been paid at any of the open ports, or those who buy native produce in interior to bring to the ports on the Yang.tze-kiang, or to send to foreign ports, shall follow the regulations adopted towards the other nations.

Custom-house officers who do not comply with the regulations, or who may exact more duties than are due, shall be punished according to the Chinese law.

Buoys, etc.

ART. XXXIX.—The Consuls and local authorities shall consult together, when necessary, as to the construction of light-houses and the placing of buoys and light-ships.

Duties; how to be paid.

ART. XI.—Duties shall be paid to the bankers authorized by the Chinese Government to receive them in *sycee* or in foreign coin, according to the official assay made at Canton on the 15th July, 1843.

Standard of weights and measures.

ART. XLI.—In order to secure the regularity of weights and measures to avoid confusion, the Superintendent of Customs will hand over to the Portuguese Consul at each of the open ports standards similar to those given by the Treasury Department for collection of public dues to the Customs at Canton.

Trade at open ports only allowed.

ART. XLII.—Portuguese merchant ships may resort only to those ports of China which are declared open to commerce. It is forbidden to them, except in the case of *force majeure* provided for in Article XIX, to enter into other ports, or to carry on a clandestine trade on the coast of China, and the transgressor of this order shall be subject to confiscation of his ship and cargo by the Chinese Government.

Tonnage Dues, payable once every 4 months.

ART. XLIII.—All Portuguese vessels despatched from one of the open ports of China to another, or to Macao, are entitled to a certificate of the Customs-house, which will exempt them from paying new tonnage dues during the period of four months reckoned from the date of clearance.

Smuggling: goods to be confiscated, ship debarred from trading.

ART. XLIV.—If any Portuguese merchant ship is found smuggling, the goods smuggled, no matter of what nature or value, will be subject to confiscation by the Chinese authorities, who may send the ships away from the port, after settlement of all her accounts, and prohibit her to continue to trade,

Criminals, arrest of: Extradition.

ART. XLV.—As regards the delivery of Portuguese and Chinese criminals, with the exception of the Chinese criminals who take refuge in Macao, and for whose extradition the Governor of Macao will continue to follow the existing practice, after the receipt of a due requisition from the Viceroy of the Kwangs, it is agreed that, in the Chinese ports open to foreign trade, the Chinese criminals who take refuge at the houses or on board ships of Portuguese subjects, shall be arrested and delivered to the Chinese Authorities on their applying to the Portuguese Consul; and likewise the Portuguese criminals who take refuge in China shall be arrested and delivered to the Portuguese authorities on their applying to the Chinese authorities; and by neither of the parties shall the criminals be harboured nor shall there be delay in delivering them.

Revision of Tariff.

ART. XLVI.—It is agreed that either of the High Contracting parties to this Treaty may demand a revision of the Tariff, and of the commercial articles of this Treaty, at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years; and so it shall be, at the end of each successive ten yeras.

Portuguese, subject to their Consuls.

ART. XLVII.—All disputes arising between Portuguese subjects in China, with regards to rights, either of property or person, shall be submitted to the jurisdiction of the Portuguese authorities.

Disputes between Chinese and Portuguese how dealt with

ART. XLVIII.—Whenever Chinese subjects become guilty of any criminal act towards Portuguese subjects, the Portuguese authorities must report such acts to the Chinese authorities in order that the guilty may be tried according to the laws of China.

If Portuguese subjects become guilty of any criminal act towards Chinese subjects, the Chinese authorities must report such acts to the Portuguese Consul is order that the guilty may be tried according to the law of Portugal.

Payment of just debts; how to be enforced.

ART. XLIX.—If any Chinese subject shall have become indebted to a Portuguese subject and withholds payment, or fraudulently absconds from his creditors, the Chinese authorities shall use all their efforts to apprehend him and to compel him to pay, the debt being previously proved and the possibility of its payment ascertained. The Portuguese authorities will likewise use their effort to enforce the payment of any debt due by any Portuguese subject to a Chinese subject.

But in no case will the Portuguese Government or Chinese Government be considered responsible for the debts of their subjects.

Consul medium between Authorities and Chinese or Portuguese.

ART. L.—Whenever any Portuguese subject shall have to petition the Chinese authority of a district, he is to submit his statement beforehand to the Consul, who will cause the same to be forwarded should she see no imoropriety in doing so, otherwise he will have it written out in other terms, or decline to forward it. Likewise, when a Chinese subject shall have occasion to petition the Portuguese Consul he will only be allowed to do so through the Chinese authority, who shall proceed in the same manner.

Disputes.

ART. LI.—Portuguese subjects, who may have any complaint or claim against any Chinese subject, shall lay the same before the Consul, who will take due cognizance of the case and will use all his efforts to settle it amicably. Likewise, when a Chinese subject shall have occasion to complain of a Portuguese subject the Consul will listen to his complaint and will do what he possibly can to re-establish harmony between the two parties.

Joint investigation.

If, however, the dispute be of such a nature that it cannot be settled in that conciliatory way, the Portuguese Consul and Chinese authorities will hold a joint investigation of the case, and decide it with equity, applying each the laws of his own country according to the nationality of the defendant.

Full protection to Catholic religion.

ART. LII.—The Catholic religion has for its essential object the leading of men to virtue. Persons teaching it and professing it shall alike be entitled to efficacious protection from the Chinese authorities; nor shall such persons pursuing peaceably their calling and not offending against the laws be prosecuted or interfered with.

English text of Treaty authoritative.

ART. LIII.—In order to prevent for the future any discussion, and considering that the English language, among all foreign languages, is the most generally known in China, this Treaty, with the Convention appended to it, is written in Portuguese, Chinese and English, and signed in six copies, two in each language. All these versions have the same sense and meaning, but if there should happen to be any divergence in the interpretation of the Portuguese and Chinese versions, the English text will be made use of to resolve the doubts that may have arisen.

Ratifications to be effected.

ART. LIV.—The present Treaty, with the Convention appended to it, shall be ratified by His Most Faithful Majesty the King of Portugal and the Algarves and His Imperial Majesty the Emperor of China. The exchange of the ratifications shall be made, within the shortest possible time, at Tientsin, after which the Treaty, with the Convention appended, shall be printed and published in order that the functionaries and subjects of the two countries may have full knowledge of their stipulations and may fulfil them.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Peking 1st Dec., 1887.

Done in Peking, this first day of the month of December in the year of Our Lord Jesus Christ one thousand eight hundred and eighty-seven, corresponding with the Chinese date the 17th day of 10th moon of 13th year of Kwang-Sü.

[L.S.] (Signed) THOMAS DE SOUZA ROZA.

Seal of the Chinese Plenipotentiaries.

PRINCE CH'ING.
SUN-IU-UEN.

CONVENTION.

It having been stipulated in the Art. IV. of the Treaty of Amity and Commerce, concluded between Portugal and China on the 1st day of the month of December, 1887, that a Convention shall be arranged between the two High Contracting Parties in order to establish a basis of operation in collecting the revenue on opium exported from Macao to Chinese ports, the undersigned Thomas de Souza Roza, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and the Algarves, in special mission to the Court of Peking, and His Highness the Prince Ch'ing, President of the Tsung-li Yamên, and Sun, Minister of the Tsung-li Yamên and Senior Vice-President of the Board of Public Works, Ministers Plenipotentiaries of His Imperial Majesty the Emperor of Chin, have agreed on the following Convention in three articles:—

ART. I.—Portugal will enact a law subjecting the opium trade of Macao to the following provisions:— Opium: rules for Import, etc., in Macao.

1.—No opium shall be imported into Macao in quantities less than one chest.

2.—All opium imported into Macao must, forthwith on arrival, be reported to the competent department under a public functionary appointed by the Portuguese Government, to superintend the importation and exportation of opium in Macao.

3.—No opium imported into Macao shall be transhipped, landed, stored, removed from one store to another, or exported, without a permit issued by the Superintendent.

4.—The importers and exporters of opium in Macao must keep a register, according to the form furnished by the Government, showing with exactness and clearness the quantity of opium they have imported, the number of chests they have sold, to whom and to what place they were disposed of, and the quantity in stock.

5.—Only the Macao opium farmer, and persons licensed to sell opium at retail, will be permitted to keep in their custody raw opium in quantities inferior to one chest.

6.—Regulations framed to enforce in Macao the execution of this law will be equivalent to those adopted in Hongkong for similar purpose.

ART. II.—Permit for the exportation of opium from Macao into Chinese ports, after being issued, shall be communicated by the Superintendent of Opium to the Commissioner of Customs at Kung-pac-uan. Export by Permit.

ART. III.—By mutual consent of both the High Contracting Parties the stipulations of this Convention may be altered at any time. Convention may be already by mutual consent.

In faith whereof the respective Plenipotentiaries have signed and sealed this Convention.

Done in Peking this first year of December in the year of Our Lord Jesus Christ one thousand eight hundred and eighty-seven, corresponding with the Chinese date the 17th day of 10th moon of the 13th year of Kwang Sü

[L.S.] (Signed) THOMAS DE SOUZA ROZA.

Sealed of the Chinese Plenipotentiaries.

PRINCE CH'ING.
SUN-IU-UEN

AGREEMENT.

Providing for establishment of Custom House near Macao and appointment of Commissioner, Opium duty certificates, Junk trade, etc.

The basis of the co-operation to be given to China by Portugal in the collection of duties on opium conveyed from Macao to Chinese ports, having been fixed by a Convention appended to the Treaty of Amity and Commence, concluded between China and Portugal on the 1st December, 1887, and it being now convenient to come to an understanding upon some points relating to the said co-operation as well as to fix rules for the treatment of Chinese junks trading with Macao, Bernardo Pinheiro Correa de Mello, Secretary of the Special Mission of His Most Faithful Majesty in Peking, duly authorized by His Excellency Thomas de Souza Roza, Chief of the said Mission, and Sir Robert Hart, K.C.M.G., Inspector-General of the Chinese Imperial Maritime Customs, provided with the necessary instructions from the Chinese Government, have agreed on the following:

1.—An office under a Commissioner, appointed by the Foreign Inspectorate of the Chinese Imperial Maritime Customs, shall be established at a convenient spot on Chinese territory, for the sale of opium duty certificates, to be freely sold to merchants and for such quantities of opium as they may require. The said Commissioner will also administer the Customs stations near Macao.

2.—Opium accompanied by such certificates, at the rate of not more than 110 Taels per picul, shall be free from all other imports of every sort, and have all the benefits stipulated for by the Additional Article of the Chefoo Convention between China and Great Britain on behalf of opium on which duty has been paid at one of the ports of China, and may be made up in sealed parcels at the option of the purchaser.

3.—The Commissioner of Customs responsible for the management of the Customs stations shall investigate and settle any complaint made by Chinese merchants of Macao against the Customs stations or revenue cruisers.

The Governor of Macao, if he deems it advisable, shall be entitled to send an officer of Macao to be present and assist in the investigation and decision. If, however, they do not agree a reference may be made to the Authorities at Peking for a joint decision.

4.—Junks trading between Chinese ports and Macao, and their cargoes, shall not be subject to any dues or duties in excess of those leviable on junks and their cargoes trading between Chinese ports and Hongkong, and no dues whatsoever shall be demanded from junks proceeding to Macao from ports of China or coming from Macao to ports in China, over and above the dues paid, or payable, at the ports of clearance or destination. Chinese produce which has paid Customs duties and Likin tax before entering Macao may be re-exported from Macao to Chinese ports without paying Customs duties and Likin tax again, and will be only subject to the payment of the tax named *Siao-hao*.

In witness whereof, this agreement has been written in Portuguese and English and signed in duplicate at Peking this the first day of December, 1887.

(Signed) BERNARDO PINHEIRO CORREA DE MELLO,

Secretary of the Special Mission of His Most Faithful Majesty.

[Signed) SIR ROBERT HART,

Inspector-General of Chinese Imperial Maritime Customs.

[Précis.]

SPAIN.

TREATY BETWEEN HER MOST CATHOLIC MAJESTY, DOÑA ISABEL II., AND HIS MAJESTY THE EMPEROR OF CHINA.

Signed, in the Spanish and Chinese Languages, at Tientsin, 10th October, 1864.

Ratified by the Queen of Spain, 14th May, 1866.

Ratifications exchanged at Tientsin, 10th May, 1867.

Published at Madrid, 19th February, 1868.

Su Majestad la Reina de las Españas y S. M. el Emperador de la China, queriendo fijar bajo bases solidas por medio de un Tratado solemne las relaciones de amistad y comercio que existen hace largo tiempo entre el Reino de las Españas y el Imperio Chino, han nombrado por sus Plenipotenciarios, á saber:

Plentipotentiaries:

Su Majestad la Reina de las Espanas á D. Sinibalda de Mas, Gran Cruz de la Real Orden americana de Isabel la Católica, su Enviado Extraordinario y Ministro Plenipotenciario;

D. Sinibaldo de Mas.

Y S. M. el Emperador de la China, á Shie, Comisario Imperial, condecorado con la insignia del primer grado, Miembro del Ministerio de Negocios Extranjeros y á Tchung, Consejero de Estado en el Ministerio de la Guerra, Superintendente de los tres puertos comerciales del Norte y Comisario Imperial; los cuales, depues, de haber canjeado sus plenos poderes respectivos hallandose en buena y debida forma, han convenido en los articulos siguientes:—

Such Hwan-Ch'ung How.

ART. I.—Continuará existiendo constante paz y amistad entre S. M. la Reina de las Españas y S. M. el Emperador de la China, cuyos respectivos súbditos gozarán tambien en los dominios de las Altas Partes contratantes de la mas completa y decidida proteccion respecto de sus personas y propriedades.

Amity and mutual protection.

ART. II.—Same as Brit. Art. 2 and 3.

Residence and privileges of Representative at Peking.

ART. III.—Same as Brit. Art. 4.

Travel and correspondence.

ART. IV.—En todos los puertos de China abiertos al comercio podrá establecer S. M. Católica Cónsules para tratar de lost nègocios comerciales y velar por la observancia de todos articulosidel Tratado.

Appointment and privileges of Consuls. None but official Consuls to be employed.

Los Cónsules y los encargados de los Consulades gozarán los honores de Intendentes y distritos ó Tau-tai, y los Vicecónsules, Agentes Consulares á Intèrpretes traductores los de Prefécto, y gozerán de las mismas atribuciones que los funcionarios consulares de las demas naciones. Tendran acceso on las residencias oficiales de aquellas autoridades, comunicandose personalmente ó por escrito, bajo el pié de perfecta igualdad.

Dichos funcionarios deberán ser empleados del Gobierno Español, pagados por el mismo y no comerciantes.

En los puertos de poca importancia mercantil para España, el Gobierno Español podrá encargar de su Consulado al Cónsul de otra nacion, con tal queno sea comerciante.

Ports open to trade. Rights of residence and leasing land, etc.

ART. V.—Queda convenido que los buques mercantes Españoles podrán frecuntar los pnertos siguientes: Niu-chuang, Tien-Tsi'ng, Chi-fu, Sang-hay, Ningpo, Fu-chau, Emuy, Tai-uan-fu y Tam-sui en la isla Formosa: Canton, Sua-tau, Chiung-chou en la isla de Hainan; Chin-chiang, Hang-kou y Kiu-kiang en el rio Yang-tse Kiang, y Nan-king.

Los súbditos Españoles podrán comerciat en los citados puertos con las personas que gusten, y entrar y salir con sus mercaderias. Tambien les será permitido construir y alquilar casas y terrenos y edificar hospitales, iglesias y cementerios.

Teachers or professors of Christianity to be protected.

ART. VI.—Same as Brit. Art. 8.

Travel and trade under passports.

ART. VII.—Ser permitido â todo comerciante Espanol, que despues de desembarcar marcaderias en algunos de las puertos abiertos hubiese pagado los correspondientes derechos, asi como tambien á cualquiera otro súbdito Español el viajar por el interior de China, con tal que vayan provistos de pasaporte, el cual será expedido por el Cónsul y refrendado por las autoridades locales. El portador de un pasaporte deberá presentarlo en los puntos por donde pase, cuando por él se le pregunte, y estando en regla su pasaporte nadie podrá impedirle que flete embarcaciones ó contrate personas que conduzcan su equipaje y mercancias. Si un viagero fuese encontrado sin pasaporte, ó si cometiese alguna infraccion contra las leyes, será entregado al Cónsul mas inmediato para que le castigue, no pudiendo emplearse con él por las autoridades Chinas otra medida de represion.

No necesitarán pasáportes las personas que recorran las cercanias de cualquiera de los puertos abiertos al comercio, dentro de la distancia de 100 lis (50 kilómetros) y del plazo de cinco dias.

Crews of ships to be under special regulations.

Las estipulaciones de este articulo no se refieren á las tripulaciones de los buques, porque respecto de estas los Cónsules y las autoridades locales establecerán las reglas convenientes.

Places in hands of rebels.

Para cualquiera de los puntos que se hallen en rèbelion contra en Gobierno no se darán pasaportes hasta que haya completa paz en el país.

Lease of land and erection of houses, shops, churches or cemeteries.

ART. VIII.—Cuando algun súbdito Español quiera construir ó abrir casas, almacenes, iglesias, hospitales, cementerios en los puertos ó en otros puntos, el contrato de compra ó alquiler de esas propriedades se hará bajo las condiciones más generalmente usadas por el pueblo Chino, con equidad y sin pago de impuesto alguno por cualquiera de las partes. Debe tenerse entendido que solo en los puertos abiertos al comercio se permitirá el establecimiento de almacenes.

Employment of subjects of either power.

ART. IX.—El Gobierno Chino no se opondrâ de modo alguno á que los súbditos Españoles empleen á los súbditos Chinos en cualquier ocupacion licita. Del mismo modo podrán los Chinos tomar á su servicio á los súbditos Españoles.

Emigration of Chinese to Spanish colonies under contract.

ART. X.—Las autoridades Imperiales permitirân que los súbditos Chino que deseen ir á trabajar â has posesiones Españolas de Ultramar celebren contratos al efecto con los súbditos Españolas y se embarquen solos ó con sus familias en cualquiera de los puertos abiertos de China, y las autoridades locales establecerán las reglamentos necesarios en

cada puerto, de acuerdo con los Representantes de S. M. Católica para la proteccio de los mencionados trabajadores.

No podrán admitirse los desertores ni los que hayan sido cogidos contra su voluntad; si llegase tal caso, le autoridad local oficiará al Cónsul Español para que los devuelva.

Hire of cargo and passenger boats, and of coolies.

ART. XI.—Same as Brit. Art. 14.

Jurisdiction in civil cases.

ART. XII.—Todas las diferencias que se susciten entre súbditos Españoles, ya sean sobre derechos personales, ya versen sobre derechos relativos á la propiedad, se someterán á la jurisdiccion de los Cónsules Españoles.

Todas las controversias que occurrieren en China etre subditos de España y súbditos de otra nacion extranjera serán arregladas segun los tratados que existan entre España y dichas naciones, sin ninguna intervencion de las authoridades Chinas. Pero si en estas controversias se hallasen en vueltos súbditos Chinos, la autoridad local tomará parte en los procedimientos judiciales como en los casos para los cuales se providencia en los artículos 13 y 15.

Chinese criminals to be dealt with by their own authorities and *vice versâ*.

ART. XIII.—Todo súbito Chino que fuere culpable de cualquier acto criminal cometido contra algun súbdito Español será reducido á prision y castigado por las autoridades Chinas con arreglo á las leyes de China, precediendo la denuncia del Cónsul Español.

El súbdito Español que cometiere algun delito en chino será juzgado por el Cónsul ó por cualquier otro funcionario Español público autorizado al efecto segun las leyes de España, precediendo la denuncia de las autorides Chinas.

Spanish subjects to be sent to Manila for punishment in serious cases.

En caso de ocurrir delitos graves, tales come homicidio, robo con heridas de consideracion atentado contra la vida, incendio premeditado, etc., el reo, despues de instruida la correspondiente sumaria, será remetido á Manila para que alli se le aplique el castigo segun las leyes de España.

Suits between Chinese and Spanish subjects. Coöperation of Chinese authority.

ART. XIV.—Todo súbdito Español que haja sufrido ofensa de un Chino deberá exponer su queja al Cónsul, quien se informará debidamente de la cuestion empleará todos sus esfuerzos para terminarla amigablemente. Del mismo modo, cuando un súbdito Chino tuviese que quejarse de un Español, el Consul no desatenderá su queja y hará todo lo posible para restablecer la armonía entre las dos partes. Si la cuestion fuese, sin embargo, de tal naturaleza que no pudiese terminarse de ese modol el Cónsul pedirá entònces á las autoridades Chinas que le auxilien en la averiguacion del caso para decidirla con equilidad de un acuerdo.

Protection against insult or violence.

ART. XV.—Same as Brit. Art. 18.

Action in case of plunder or piracy. Authorities who fail to ensure redress to be punished but not to be pecuniarily responsible.

ART. XVI.—Clause 1 same as Brit. Art. 19.

Si la autoridad China á quien corresponda no pudiese prender á los culpables y devolver la proprieded robada, será castigada segun les leyes de China; pero no estará obligada á indemnizar la pérdida.

Wreck or stranding.

ART. XVII.—Same as Brit. Art. 20.

Extradition of offenders or deserters from vessels.

ART. XVIII.—Todo súbdito Chino culpable de algun delito, que en cualquiera de los puertos de China busque asilo en la habitacion ó á bordo de un buque de algun súbdito Español, lejos de ser acogido y ocultado, será entrègado á las autoridades Chinas despues que éstas lo reclamen al Cónsul Español establecido en aquel puerto. De la mismo manera, si alguno ó algunos marineros Españoles se desertasen de su buque y se refugiasen en alguna embarcacion ó casa China, la

autoridad local, tan pronto como haya recibido la reclamation del Agente de S. M. Católica al efecto, tomará las medidas necesarias para descubrir al prófugo, y despues de arrestado lo entregará al dicho Agente del Gobierno Español.

Recovery of debt. The government not responsible.

ART. XIX.—Same as Brit. Art. 22 with addition as follows:—Pero los Gobiernos respectivos de ninguna manera estarán obligados á indemnizar al acreedor.

Rate of Tonnage dues. English measurement understood.

ART. XX.—First clause same as first clause of Brit. Art. 29.

El superintendente de la aduana deberá expedia un certificado de los derechos de tonelada que hayan sido satisfechos.

Para los efectos de este artículo se entenderá que las toneladas deben ser de la misma medida que las inglesas

Duties to be paid according to Tariff—on seme footing as other nationalities

ART. XXI.—Los súbditos Españoles pagarán por todas las mercancías que importen ó exporten los derechos que marque el arancel adoptado para las otras naciones, y en ningun caso se les exigirá derechos más elevados que los pagados por los súbditos de otra cualquier nacion extranjera,

Period of payment of duties.

ART. XXII—Same as Brit. Art. 25.

Revision.

ART. XXIII.—Same as Brit. Art. 27.

Commutation of inland Transit dues.

ART. XXIV.—Todo comerciante Español que conduzca á un puerto mercancías compradas en un mercado del interior del pais, ñ transporte á un mercado del interior mercancías procedentes de un puertor, tiene opcion á libralas de todo derecho de tránsito pagando un solo impuesto satisfecho segun se prescribe en el artículo 7°. del Convenio comercial adoptado por las otras naciones.

Amount to be one-half the full Tariff duty, except in case of duty-free goods. Such to pay 2½ per cent *ad valorem*

El importe de este impuesto será una mitad de la suma á que ascienden los derechos de la tarifa, excepto en el caso de que sean mercancías exentas de derechos y que están sujetas á un impuesto de transito de dos y medio por ciento *ad valorem*, segun se estípula en el art 2°. del Convenio comercial adoptado par las demas naciones.

El pago de estos derechos de tránsito no alterará en modo alguno los derechos del arancel sobre importacion y exportacion de mercancías, los cuales continuarán satisfaciéndose separadamente y por completo.

Tonnage dues certificate—good for four months on coast.

ART. XXV.—Todo buque Español que sea despachado en uno de los puertos abiertos de China para otro de los mismos ú Hongkong ó Macao tiene derecho á un certificado de la aduana que le exceptúe del nueve pago de derechos de tonelada durante un periodo de cuatro meses, contados desde la fecha de su despacho.

Tonnage dues payable after stay of 48 hours in port. Report of ship's arrival obligatory.

ART. XXVI.—Todo Capitan de buque Español tiene la facultad de salir sin abrir sus escotillas dentro de 48 horas, contadas desde la llegada de su buque á cualquiera de los puertos de China, pero no más tarde, y en ese caso no tendrá que pagar derechos de tonelada.

Estará sin enbargo obligado á dar parte de su llegada para que se verifique el correspondiente registro así que entre en el puerto, bajo la pena de multa cuando no lo haga en el espacio de los dias. El buque estará sujeto por lo tanto al pago de derecho de tonelada 48 horas despues de su llegada al puerto, y ni entónces ni á la salida se le exigirá otro impuesto de cualquiera classe que sea.

Cargo and passenger boats exempt from Tonnage dues, unless when carrying dutiable merchandise.

ART. XXVII.—Estarán libres del gago de derecho de toneladas todas las embarcaciones empleadas por súbditos Españoles en la conduccion de pasageros, equipajes, correspondencia, provisiones ó cualquiera otra carga exenta de derechos entre los puertos abiertos de China. Todas las embarcaciones cargadas que conduzcan mercancias sujetes á derechos pagarán el de tonelada cada cuatro meses á razon de un mes por tonelada.

ART. XXVIII.—Same as Brit. Art. 32. Light-houses, beacons, etc.

ART. XXIX.—Los derechos se pagaràn à los banqueros autorizados por el Gobierno Chino para cobrarlos, en plata saicí ó en moneda extranjera, que se tomarà al mismo cambio que den otros comerciantes, y nunca à tipo màs alto. Medium and manner of duty payments.

ART. XXX.—Same as Brit. Art. 34. Weights and measures.

ART. XXXI.—Same as Brit. Art. 35. Pilots.

ART. XXXII.—Same as Brit. Art. 36. Vessels to be watched.

ART. XXXIII.—Same as Brit. Art. 37. Manifest and Report.

ART. XXXIV.—Same as Brit. Art. 38. Permits.

ART. XXXV.—Same as Brit. Art. 39. Landing and Shipment.

ART. XXXVI.—Same as Brit. Art. 40. Transhipment.

ART. XXXVII.—Same as Brit. Art. 41. Port-clearance.

ART. XXXVIII.—Same as Brit. Art. 42. Valuation of goods.

ART. XXXIX.—Same as Brit. Art. 43. Tare, etc.

ART. XL.—Same as Brit. Art. 44. Damaged goods.

ART. XLI.—Same as Belg. Art. 35. Reëxportation. Drawback certificates, etc.

ART. XLII.—Same as Brit. Art. 46. Prevention of smuggling.

ART. XLIII.—Los buques mercantes Españoles solo podràn frecuentar aquellos puertos de China que se han declarado en este Tratado abiertos al comercio. Les està prohibido, por lo tanto, entrar en otros puertos, asi como hacer comerico clandestino en las costas de China ó del Yang-tze Kiang, y el que violare esta disposicion quedarà sujeto à ser confiscado por el Gobierno Chino con toda la carga que tenga abordo. Clandestine Trade. Confiscation.

ART. XLIV.—Same as Belg. Art. 34. Coast-trade. Drawback certificates.

ART. XLV.—Si se encontrase algun buque mercante Español haciendo contrabando, toda la carga, sea cual fuere su valor y naturaleza, quedarà sujeta à ser confiscada por las autoridades Chinas, las cuales podràn mandar salir del puerto al buque despues que haya saldado todas sus cuentas y prohibirle que continúe negociando. Smuggling. Goods to be forfeited, and vessel forbidden further trading.

ART. XLVI.—Same as Brit. Art. 49. Fines etc. to belongto Chinese Government.

ART. XLVII.—Los buques mercantes Chinos, sin limitacion de número podràn ir à comerciar à las Islas Filipians y seràn tratados como los de la nacion mas favorecida. Si la España concede en adelante nuevas vantajas à los comerciantes de otra nacion, los negociantes Chinois gozaràn de ella como los de la nacion mas favorecida Chinese vessls trading to the Philippine Is., and Chinese merchants, to enjoy the privileges of the most favoured nation.

ART. XLVIII.—Same as Brit. Art. 52. Vessels-of-war.

ART. XLIX.—Ningun comerciante ni buque Español podrà llevar à los rebeldes ó piratas clase alguna de provisiones, armas ò municiones. Traffic with rebels or pirates.

En caso de contravenciou seràn confiscados el buque y la carga, y el culpable serà entregado al Gobierno Español para que sea castigado con todo el rigor de la ley.

Most favoured nation privileges extended to Spanish Government and subjects.

ART. L.—Seràn extensivas al Gobierno Español y á sus subditos todas las ventajas è inmunidades que concede en ta actualidad ò conceda en adelante el Gobierno Chino á cualquiera otra nacion, sea esta la que fuere, debiendo ser tratada la España en todos conceptos como la mas amiga y favorecida en el celeste Imperio.

Official correspondence. Each nation to adhere to its own text.

ART. LI.—La correspondencia oficial enviada por los Agentes. Diplomàticos y consulares Españoles á las autoridades Chinas se escribirá en Español é irá accompañada de una traduccion en Chino.

Del mismo modo el presente Tratado será escrito en Español y en Chino, confrontando debidamente los dos textos, y servirà de regla à cada nacion la version escrita en su propio idioma.

Communications between Consuls and Chinese authorities.

Las fórmulas de la correspondencia oficial entre las autoridades Españolas y Chinas se regularàn por las gerarquîas y posiciones respectivas, teniendo por vase la más completa reciprocidad. Entre los altos funcionarios Españoles y los altos funcionarios Chinos, en la capital ó en cualquiera otor lugar, estas correspondencias tentrán la forma de oficio ó comunicacion *(chou-juei)*; entre los funcionarios Españoles subalternos y las primeras authoridades de provincia se usará respecto de aquellas la forma de exposicion *(chen-chen)*, y respecto la de declaracion *(chau-sing)*, y los otros empleados subalternos de ambas naciones deberán escribires en tèrminos de perfecta igualdad.

Los negociantes, y en general todos los individuos que no estèn revestidos de carácter oficial, observarán con las authoridades Chinas la forma de representation *(pin-chen.)*

Representations to Consuls or to Chinese authorities.

Cuando algun súbdito Español tenga que acudir á la authoridad China del distrito, deberá primeramente llevar su soliditud al Cónsul, quien si no encuentra en ello inconveniente la hará entregar, y en caso contrario mandará escribirla en otros términos ó rehusará trasmitirla. Igualmente cuando un súbdito Chino haya de acudir al Cónsul de España, solo podrá acerlo por conducto de la autoridad China, que procederá en la misma forma.

Exchange of Ratifications.

ART. LII.—Las ratificaciones del presente tratado por parte de S. M. la Reina de las Españas de S. M. el Emperador de China se canjearán en Tientsin ó Shang-hay en el plazo de un año, contado desde la fecha en que se firma.

Publications of Treaty.

Canjeadas las ratificaciones, el Gobierno Chino dará conocimiento del Tratado á las authoridades superiores de todas las provincias para que lo pongan en completa ejecucion.

10th Oct., 1864.

En fé de lo cual, los Plenipotenciarios respectivos firmaron y sellaran el presente Tratado por cuadruplicado en Tien-Tsin á 10 de Octubre de 1864.

[L.S.] (Signed) SINIBALDO DE MAS.
[L.S.] (Signed) CHINESE PLENIPOTENTIARIES.

[Précis.]

ITALY.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN ITALY AND CHINA.

Signed at Peking, in the Italian and Chinese Languages, 26th October, 1866.

Ratifications exchanged at Shanghai, 12th November, 1867.

Sua Maestá il Ré d'Italia e Sua Maestá l'Imperatore della China, animati entrambi dal desiderio di stringere rapporti di amicizia tra i due paesi, hanno risoluto di conchiudere un Trattato solenne di reciproce interesse, ed hanno nominato loro Plenipotenziari: Plenipotentiaries.

Sua Maestá il Ré d'Italia, Vittorio Arminjon, Capitano di fregata di prima clase nella Regia Marina, Ufficiale del suo Ordine dei Santi Maurizio e Lazzaro, Cavaliere dell' Ordine della Legione d'onore di Francia, etc.; Vittorio Arminjon.

Sua Maestá l'Imperatore della China, T'han, Consigliere al Ministerio delle Finanze, Membro dell' Ufficio degli Affari Esteri, Commissario Imperiale investito di pieni poteri; T'anT'ing-siang.

Tsong, Consigliere al Ministerio della Guerra, Sopraintendente del commercio nei tre porti del Nord, Commissario Imperiale investito di pieni poteri; Ch'ung How.

I quali, dopo essersi comunicati i loro pieni poteri e riconosciuti questi in debita e legale forma, hanno stipulate quanto seque:—

ART. I.—Same as Dan. Art. 1. Amity and protection.

ART. II.—Same as Dan. Art. 2. Diplomatic representatives.

ART. III.—Sua Maestá l'Imperatore della China acconsente che l'Agente Diplomatico di Sua Maestá il Ré d'Italia, colla propria famiglia e colle persone di sua casa, abbia residenza fissa a Pekino, o vi si rechi eventualmente, a scelta del Governo Italiano. Residence and privileges of Italian representative.

[Remainder same as clauses 2 and 3 of Dan. Art. 3.]

ART. IV.—Same as Dan. Art. 4. Travel and correspondence.

ART. V.—Same as Dan. Art. 5. Communications.

ART. VI.—Same as Dan. Art. 6. Chinese Envoy to Italy.

ART. VII.—Same as Dan. Art. 7, with following addition: Appointment of Consuls.

In macanza di Console o di chi ne faccia le veci, i sudditi Italiani potranno rivolgersi al Direttore della dogana, il quale tutelerá, i loro interessi a norma dei vigenti Regolamenti. Supt. of Customs may be applied to in absence of Consul.

ART. VIII.—Same as Dan. Art. 8, with following addition: Christian Religion.

Nessun impedimento sará posto dalle autoritá Chinese a che tale o tale altro suddito dell' Impero possa, se lo vuole, abbracciare la religione cristiana e seguirne pubblicamente i riti. Toleration of Chinese converts.

Passports. ART. IX.—Same as Brit. Tn. Art. 9, *minus* last clause.

Forms of correspondence. ART. X.—Same as Fr. Tn. Art. 4.

Ports of trade. ART. XI.—Same as Dan. Art. 11, (with addition of Kiukiang, in the Chinese text, to the list of ports on the Yangtsze Kiang).

Leasing of land and buildings. ART. XII.—Same as Dan. Art. 12.

Employment of Chinese, etc. ART. XIII.—Same as Fr. Tn. Art. 11, and Belg. Art. 13.

Hire of cargo-boats, etc, ART. XIV.—Same as Dan. Art. 14.

Civil jurisdiction. ART. XV.—Same as Dan. Art. 15.

Criminal jurisdiction. ART. XVI.—Same as Dan. Art. 16.

Suits on either side. ART. XVII.—Same as Dan. Art. 17.

Protection from insult or violence. Italian vessels not liable to embargo. ART. XVIII.—Same as Dan. Art. 18, with following clause introduced after the *insulto o violenza*, viz:

Queste autoritá non potranno, in nessuna circonstanza, porre *embargo* sulle navi Italieni, né colpire di requisizioni per qualsiasi servizio pubblico o privato.

Piracy or robbery. ART. XIX.—Same as Dan. Art. 19.

Wreck or stranding. ART. XX.—Same as Dan. Art. 20.

Neutral rights. ART. XXI.—Same as Fr. Tn. 31.

Extradition. ART. XXII —1st clause same as Dan. Art. 21. 2nd clause same as Fr. Tn. Art. 32.

Recovery of debt ART. XXIII.—Same as Dan. Art. 22.

Tariff duties. ART. XXIV.—Same as Dan. Art. 23 and 25.

Period for payment of duties. ART. XXV.—Same as Dan. Art. 24.

Revision. ART. XXVI.—Same as Dan. Art. 16 with substitution of 1878 for 1868, and addition as follows:

Qualora poi, nei primi dodici anni, alcuna delle Potenze che hanno Trattati colla China, proponesse la revisione della tariffa e degli articoli relativi al commercio, l'Italia avrebbe diritto di presentare anch'essa le sue proposizioni.

Transit Dues. ART. XXVII.—Same as Dan. Art. 27.

Tonnage Dues. ART. XXVIII.—Same as Dan. Art. 28.

Period of 48 hours. ART. XXIX.—Same as Dan. Art. 29.

Exemption from tonnage dues. ART. XXX.—Same as Dan. Art. 30.

Light-houses and beacons, etc. ART. XXXI.—Same as Dan. Art. 31.

Medium and manner of duty payments. ART. XXXII.—Same as Dan. Art. 32.

Weights and measures. ART. XXXIII.—Same as Dan. Art. 33.

Pilots. ART. XXXIV.—Same as Dan. Art. 34, with following addition:

General pilotage regulations in force. Il diritto di pilotaggio e le questioni relativi ai piloti sono determinate da speciale Regolamento, fatto di concerto dai Consoli di tutte le nazioni e dall' autoritá Chinese.

Vessels to be watched. ART. XXXV.—Same as Dan. Art. 35.

Manifest to be lodged within 24 hours, etc. ART. XXXVI.—Same as Dan. Art. 36.

Permit for opening hatches. ART. XXXVII.—Same as Dan. Art. 37, a clerical error of *cinquanta* (50) for *cinque-cento* (500) *taels*, in the original text, having been corrected by a Royal Decree of the 23rd October, 1868, No. 4674.

ART. XXXVIII.—Same as Dan. Art. 38. Permits for landing and shipment.

ART. XXXIX.—Same as Dan. Art. 39. Transhipment.

ART. XL.—Same as Dan. Art. 40. Port-clearance.

ART. XLI.—Same as Dan. Art. 41. Valuation of goods.

ART. XLII.—Same as Dan. Art. 42. Tare, etc,

ART. XLIII.—Same as Dan. Art. 43. Damaged goods.

ART. XLIV.—Same as Dan. Art. 44. Coast-trade.

ART. XLV.—Same as Dan. Art. 45, with following addition after clause 2: Drawback and exemption certificates.

A vece delle cedole di ritorno, si potrá ottenere dalla dogana un permesso di sbarco delle merci in franchigia di diritto *(mien-shoi-tan)*, valevole per altro porto della China. Foreign cereals.

ART. XLVI.—Same as Dan. Art. 46. Measures for prevention of fraud.

ART. XLVII.—Same as Dan. Art. 47. Clandestine trade.

ART. XLVIII.—Same as Dan. Art. 48. Confiscation, etc.

ART. XLIX.—Same as Dan. Art. 49. Fines and penalties.

ART. L.—Same as Belg. Art. 8. Language of official correspondence. Text to be held correct on either side.

ART. LI.—Same as Dan. Art. 51. Character "I."

ART. LII.—Same as Brit. Tn. Art. 52. Ships of war.

ART. LIII.—Same as Brit. Tn. Art. 53. Piracy.

ART. LIV.—Same as Dan. Art. 54, with following addition: Most favoured nation privileges.

Similmente, se alcune delle Potenze europee facesse alla China qualche utile concessione, la quale non fosse preguidicevole agl' interessi del Governo o dei sudditi Italiani, il Governo de Sua Maestá il Ré farebbe ogni sforzo per aderirvi. Italian Government will do all in its power to extend reciprocity in favour of China.

ART. LV.—Le ratificazioni del presente Trattato da parte di Sua Maestá il Ré d'Italia e di Sua Maestá l'Imperatore della China, saranno rispettivamente scambiate a Chang-hai o a Tientsin entro un anno, a partire dal giorno della firma. Exchange of Ratifications.

In fede di che i rispettivi Plenipotenziari hanno sottoscritto il presente Trattato, e vi hanno apposto i loro suggelli.

Fatto a Pekino, in quattro spedizioni, il ventisei Ottobre delle' anno mille ottocento sessanta sei. Il diciottesimo giorno del nono mese delle' anno quinto del regno di Tong-tche. 24th October, 1864.

[L.S.] (Signed) V. ARMINJON.
[L.S.] (Signed) T'HAN.
[L.S.] (Signed) TSONG.

[Précis.—Translation.]

AUSTRIA-HUNGARY.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE EMPIRE OF AUSTRIA-HUNGARY AND THE EMPIRE OF CHINA.

Signed, in the German and Chinese Languages, at Peking, 2nd September, 1869.

Ratifications exchanged at Shanghai, 27th November, 1871.

His Majesty Francis Joseph I., Dei Gratiâ Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, on the one part, and His Majesty the Emperor of China on the other part, being sincerely desirous to establish friendlo relations between their respectivə Empires, have resolved to confirm them by a Treaty of Friendship, Commerce and Navigation advantageous alike to the subjects of both the high contracting parties: and for this purpose they have named as their Plenipotentiaries, that is to say:

Plenipotentiaries.

His Imperial and Royal Apostolic Majesty: the Rear-Admiral Anthony, Baron Petz, Minister Plenipotentiary and Envoy Extraordinary, Commander-in-Chief of the Imperial and Royal expedition to Eastern Asia, Knight of the Military Order of Maria Theresa, etc., etc.;

Baron Petz.

And His Majesty the Emperor of China: the President of the Board of Revenue, Tung, one of the Ministers of the Yamên of Foreign Affairs; and the Vice-President of the Board of War, Ch'ung, a titular Guardian of the Heir Apparent, Assistant Lieutenant-General of the Bordered Red Banner, Superintendent of Trade for the Three Northern Ports, as his Ministers Plenipotentiary;

Tung Sun. Ch'ung How.

Who, having communicated to each other their respective full powers, and found the same to be in good and due form, have agreed upon and concluded the following Articles:

Amity and mutual protection.

ART. I.—Same as Dan. Art. 1.

Diplomatic Agents.

ART. II.—Same as Dan. Art. 2.

Diplomatic privileges.

ART. III.—Same as Dan. Art. 3, with addition of reciprocity in the case of a Chinese mission to the Austro-Hungarian Court.

Travel and correspondence.

ART. IV.—Same as Dan. Art. 4.

Transaction of affairs.

ART. V.—Same as Dan. Art. 5.

Appointment of Consul-General, Consuls, etc.

ART. VI.—The Government of His Imperial and Royal Apostolic Majesty shall be at liberty to appoint a Consul-General, and for such open ports or cities of China as the commercial interests of the Austro-Hungarian Monarchy may require, Consuls, Vice-Consuls, or Consular Agents. These officers shall be treated with due respect by the Chinese authorities and shall enjoy the same privileges and immunities as the Consular officers of the most favored nation.

Should His Imperial and Royal Apostolic Majesty not see fit to appoint a Consul to one of the ports open to foreign trade, the functions of a Consular Agent may be conferred upon the Consul of a friendly Power at any such port.

ART. VII.—Same as Belg. Art. 8. Authorized text,

ART. VIII.—Same as Dan. Art. 11, with addition of Kiukiang to the list of ports, and with following stipulation added: Ports open to trade and residence. Restrictions in interior.

Austro-Hungarian subjects proceeding to the interior of China for purposes of trade shall be subject to the regulations in force with reference to other nationalities, and shall not be at liberty to open warehouses or shops in the interior.

ART. IX.—Same as Belg. Art. 12. Land and buildings.

ART. X.—Same as Fr. Tn. Art. 7 and 28. Smuggling prohibited. Confiscation.

ART. XI.—Same as Fr. Tn. Art. 8, with exception that the issue of passports for journeys in the interior is confined to travellers unaccompanied by merchandise. All persons conveying merchandise to the interior shall be required to take out such certificates from the Custom House as are specified in the regulations in force with reference to other nationalities. Passports for travel. Trade under passport alone forbidden.

ART. XII.—Same as Fr. Tn. Art. 11. Hire of Chinese servants, teachers, etc.

ART. XIII.—Same as Fr. Tn. Art. 12. Property to be inviolable.

ART. XIV.—Same as Dan. Art. 34. Pilotage.

ART. XV.—Same as Fr. Tn. Art. 16. Customs' supervision.

ART. XVI.—Same as Brit. Tn. Art. 37. Ships' papers, manifest, etc.

ART. XVII.—Same as Brit. Tn. Art. 39. Permit for landing or shipment.

ART. XVIII.—Same as Brit. Tn. Art. 40. Transhipment.

ART. XIX.—Austro-Hungarian subjects shall be at liberty to hire any description of lighters or small craft for the transport of goods and passengers, and the sum to be paid for such lighters shall be settled by free agreement of the parties without interference of the Chinese authorities. The number of such boats shall not be limited, nor shall a monopoly in respect of the vessels or of the transport by porters of goods to be shipped or discharged be bestowed upon anybody whatever. Should smuggling take place in the said lighters, the offender, on detection, will be liable to punishment, and the merchandise shall be confiscated. Hire of lighters and small craft.

ART. XX.—Austro-Hungarian subjects shall pay on all merchandise imported or exported by them at the ports open to foreign trade the duties set forth in the Tariff annexed to the present Treaty, and they shall in no case be called upon to pay other or higher duties than those required now or in future from the subjects of the most favoured nation. In the event of any alterations, in the shape either of increase or of abatement of duties, being effected in the Tariff by agreement with any other Power before the period for the revision of the present Treaty has arrived, the same shall become equally applicable to the Austro-Hungarian Monarchy. The Commercial Regulations appended to the Treaty shall be regarded as an integral part of the Treaty and shall be respected on either side as of equal force with the Treaty itself. Tariff of Duties. Alterations subsequent to this agreement to be accepted by Austro-Hungarian Government.

Fixing value of goods. ART. XXI.—Same as Brit. Tn. Art. 42.

Mode of fixing tare. ART. XXII.—Same as Brit. Tn. Art. 43.

Damaged goods. ART. XXIII.—Same as Brit. Tn. Art. 44.

Tonnage dues—when payable. ART. XXIV.—Same as Brit. Tn. Art. 30.

Payment of duties—port-clearance. ART. XXV.—Same as Brit. Tn. Art. 25 and 41.

Mode of payment of duties. ART. XXVI.—Same as Dan. Art. 32.

Rate of tonnage dues. ART. XXVII.—Same as Brit. Tn. Art. 29, excepting mention of Hongkong.

Transit duties, commutation, etc. Future alterations in regulations to be accepted. ART. XXVIII.—Same as Dan. Art. 27, with following addition:

The Austro-Hungarian Monarchy agrees to accept any regulations which may be agreed upon hereafter between the Chinese Government and any other Power with reference to increase or abatement of imports, export, and inland duties and the method of their payment.

Partial discharge of cargo. ART. XXIX.—Same as Ger. Art. 25.

Coast trade. ART. XXX.—Same as Dan. Art. 44.

Re-exportation, drawbacks, etc. ART. XXXI.—Same as Dan. Art. 45.

Weights and Measures. ART. XXXII.—Same as Dan. Art. 33.

Penalties and confiscations. ART. XXXIII.—Same as Brit. Tn. Art. 49.

Ships of war. ART. XXXIV.—Same as Brit. Tn. Art. 52.

Wreck. ART. XXXV.—Same as Brit. Tn. Art. 20.

Extradition. ART. XXXVI.—Same as Ger. Art. 32.

Piracy. ART. XXXVII.—Same as Dan. Art. 19.

Civil suits. ART. XXXVIII.—Same as Brit. Tn. Art. 17.

Criminal procedure. The authorities of either country to deal with offences committed by their respective nationals ART. XXXIX.—Chinese subjects who shall be guilty of any unlawful act toward Austro-Hungarian subjects shall be arrested and punished by the Chinese authorities; and Austro-Hungarian subjects who shall be guilty of any unlawful act toward Chinese subjects shall in like manner be apprehended and brought to justice by the Austro-Hungarian authorities.

Jurisdiction in civil cases. ART. XL.—Same as Dan. Art. 15, substituting "Articles XXXVIII and XXXIX" for "Articles XVI and XVII" in the Danish text.

Robbery, etc. ART. XLI.—Same as Dan. Art. 18.

Recovery of debts. ART. XLII.—Same as Dan. Art. 22.

Most favoured nation privileges to be mutually accorded. ART. XLIII.—Same as Ger. Art. 40, with following addition:

Chinese subjects proceeding to the Austro-Hungarian Monarchy to trade shall be treated on the footing of the most favoured nation.

Revision. ART. XLIV.—Same as Ital. Art. 26.

Treaty to take effect after ratification. ART. XLV.—The stipulations contained in the foregoing articles shall take effect after the ratification of the present Treaty by the two contracting Parties.

The said ratifications shall be exchanged either at Shanghai or at Tientsin within the space of one year, more or less, from the present date.

In testimony whereof the respective Plenipotentiaries have hereunto affixed their hands and seals.

Done at Peking the second day of September, in the year one thousand eight hundred and sixty-nine, corresponding to the twenty-sixth day of the seventh moon of the year *Ki Sze.* 2nd September, 1869.

[L.S.] Signatures of Chinese Plenipotentiaries

[L.S.] Signature of Austro-Hungarian Plenipotentiary

[To the foregoing Treaty are appended a Tariff and rules identical with those appended to the British Treaty of Tientsin.]

JAPAN.

TREATY OF PEACE, COMMERCE, AND NAVIGATION BETWEEN THE EMPIRES OF CHINA AND JAPAN.

Signed in the Chinese and Japanese Languages, at Tientsin, 13th September, 1871.
Ratified by the Emperor of China, September, 1871.
Ratified by the Mikado of Japan, with modifications, 1st November, 1871.

In order to avoid unnecessarily overloading the present volume, the above Treaty has been omitted, as it has been superseded by the Shimonoseki and Peking Treaties which here follow.

TREATY OF PEACE BETWEEN JAPAN AND CHINA.

Signed at Shanghai (Bakan), Japan, on the 17th April, 1895.

Ratifications exchanged at Chefoo, China, on the 8th May, 1895.

His Majesty the Emperor of Japan, and His Majesty the Emperor of China, desiring to restore the blessings of peace to their countries, and subjects, and to remove all cause for future complications, have named as their Plenipotentiaries for the purpose of concluding a Treaty of Peace, that is to say:— Plenipotentiaries.

His Majesty the Emperor of Japan, Count Ito Hirobumi, Junii, Grand Cross of the Imperial Order of Paullownia, Minister-President of State, and Viscount Mutsu Munemitsu, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs; Count Ito Hirobumi. Viscount Mutsu Munemitsu.

And His Majesty the Emperor of China, Li Hung-chang, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank, and Li Ching-fong, ex-Minister of the Diplomatic Service, of the Second Official Rank; Li Hung-chang. Li Ching-fong.

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles:—

ART. I.—China recognizes definitely the full and complete independence and autonomy of Corea, and, in consequence, the payment of tribute and the performance of ceremonies and formalities by Corea to China in derogation of such independence and autonomy shall wholly cease for the future. Independence of Corea recognized.

ART. II.—China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon:— Territory ceded to Japan.

(a.) The southern portion of the Province of Fêng-tien, within the following boundaries:—

The line of demarcation begins at the month of the River Yalu, and ascends that stream to the mouth of the River An-ping; from thence the line runs to Fêng-huang; from thence to Haicheng; from thence to Ying-kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Ying-kow it follows the course of that stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.

This cession also includes all islands appertaining or belonging to the Province of Fêng-tien situated in the eastern portion of the Bay of Liao-tung, and in the northern part of the Yellow Sea,

(b) The Island of Formosa, together with all islands appertaining or belonging to the said Island of Formosa.

(c.) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

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Delimitation Commisson to be appointed.

ART. III.—The alignments of the frontiers described in the preceding Article, and shown on the annexed map, shall be subject to verification and demarcation of the spot by a Joint Commission of Delimitation, consisting of two or more Japanese and two or more Chinese Delegates, to be appointed immediately after the exchange of the ratifications of this Act. In case the boundaries laid down in this Act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the Delimitation Commission to rectify the same.

The Delimitation Commission will enter upon its duties as soon as possible, and will bring its labours to a conclusion within the period of one year after appointment.

The alignments laid down in this Act shall, however, de maintained until the rectifications of the Delimitation Commission, if any are made, shall have received the approval of the Governments of Japan and China.

War indemnity.

ART. IV.—China agrees to pay to Japan as a war indemnity the sum of 200,000,000 Kuping taels. The said sum to be paid in eight instalments. The first instalment of 50,000,000 taels to be paid within six months, and the second instalment of 50,000,000 taels to be paid within twelve months after the exchange of the ratifications of this Act. The remainining sum to be paid in six equal annual instalments as follows: the first of such equal annual instalments to be paid within two years, the second within three years, the third within four years, the fourth within five years, the fifth within six years, and the sixth within seven years after the exchange of the ratifications of this Act. Interest at the rate of 5 per cent. per annum shall begin to run on all unpaid portions of the said indemnity from the date the first instalment falls due.

China shall, however, have the right to pay by anticipation at any time any or all of said instalments. In case the whole amount of the said indemnity is paid within three years after the exchange of the ratifications of the present Act, all interest shall be waived, and the interest for two years and-a-half, or for any less period if then already paid, shall be included as a part of the principal amount of the indemnity.

Ceded territory, treatment of inhabitants: transfer of Formosa.

ART. V.—The inhabitants of the territories ceded to Japan who wish to take up their residence outside the ceded districts shall be at liberty to sell their real property and retire. For this purpose a period of two years from the date of the exchange of the ratifications of the present Act shall be granted. At the expiration of that period those of the inhabitants who shall not have left such territories shall, at the option of Japan, be deemed to be Japanese subjects.

Each of the two Governments shall, immediately upon the exchange of the ratifications of the present Act, send one or more Commissioners to Formosa to effect a final transfer of that province, and within the space of two months after the exchange of the ratifications of this Act such transfer shall be completed.

Treaty of Commerce, etc. to be at once concluded: favoured nation treatment to Japan meantime.

ART. VI.—All Treaties between Japan and China having come to an end in consequence of war, China engages, immediately upon the exchange of the ratifications of this Act, to appoint Plenipotentiaries to conclude with the Japanese Plenipotentiaries a Treaty of Commerce and Navigation, and a Convention to regulate frontier intercourse and trade. The Treaties, Conventions, and Regulations, now subsisting between China and European Powers shall serve as a basis for the said Treaty and Convention between Japan and China. From the date o

the exchanges of the ratifications of this Act until the said Treaty and Convention are brought into actual operation the Japanese Government, its officials, commerce, navigation, frontier intercourse and trade, industries, ships and subjects, shall in every respect be accorded by China most favoured-nation treatment.

China makes, in addition, the following concessions, to take effect six months after the date of the present Act:—

Additional Treaty Ports.

1st. The following cities, towns, and ports, in addition to those already opened, shall be opened to the trade, residence, industries, and manufactures of Japanese subjects under the same conditions, and with the same privileges and facilities as exist at the present open cities, towns, and ports of China.

1.—Shahshih, in the Province of Hupeh.

2.—Chungking, in the Province of Szechuan.

3.—Suchow, in the Province of Kiangsu.

4.—Hangchow, in the Province of Chekiang.

The Japanese Government shall have the right to station Consuls at any or all of the above-named places.

Further Steam navigation.

2nd. Steam navigation for vessels under the Japanese flag for the conveyance of passengers and cargo shall be extended to the following places:—

(1) On the Upper Yangtsze River, from Ichang to Chungking.

(2) On the Woosung River, and the Canal, from Shanghai to Suchow and Hangchow.

The Rules and Regulations which now govern the navigation of the inland waters of China by foreign vessels, shall, so far as applicable, be enforced in respect of the above-named routes, until new Rules and Regulations are conjointly agreed to.

Rent or hire of warehouses in interior.

3rd. Japanese subjects purchasing goods or produce in the interior of China or transporting imported merchandize into the interior of China, shall have the right temporarily to rent or hire warehouses for the storage of the articles so purchased or transported, without the payment of any taxes or exactions whatever.

Manufacturing industries.

4th Japanese subjects shall be free to engage in all kinds of manufacturing industries in all the open cities, towns, and ports of China, and shall be at liberty to import into China all kinds of machinery, paying only the stipulated import duties thereon.

Taxation and transit of such produce.

All articles manufactured by Japanese subjects in China, shall in respect of inland transit and internal taxes, duties, charges, and exactions of all kinds and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandize imported by Japanese subjects into China.

In the event additional Rules and Regulations are necessary in connection with these concessions, they shall be embodied in the Treaty of Commerce and Navigation provided for by this Article.

Japan to withdraw Troops.

ART. VII.—Subject to provisions of the next succeeding Article, the evacuation of China by the armies of Japan, shall be completely effected within three months after the exchange of the ratification of the present Act.

Military occupation as guarantee of Wei-hai-wei.

ART. VIII.—As a guarantee of the faithful performance of the stipulations of this Act, China consents to the temporory occupation by the military forces of Japan of Wei-hai-wei in the Province of Shantung.

Upon the payment of the first two instalments of the war indemnity herein stipulated for and the exchange of the ratifications of the Treaty of Commerce and Navigation, the said place shall be evacuated by the Japanese forces, provided the Chinese Government consents to pledge, under suitable and sufficient arrangements, the Customs Revenue of China as security for the payment of the principal and interest of the remaining instalments of said indemnity. In the event no such arrangements are concluded, such evacuation shall only take place upon the payment of the final instalment of said indemnity.

It is, however, expressly understood that no such evacuation shall take place until after the exchange of the ratifications of the Treaty of Commerce and Navigation.

Prisoners of War, etc.

ART. IX.—Immediately upon the exchange of the ratifications of this Act, all prisoners of war then held shall be restored, and China undertakes not to ill-treat or punish prisoners of war so restored to her by Japanese. China also engages to at once release all Japanese subjects accused of being military spies or charged with any other military offences. China further engages not to punish in any manner, nor to allow to be punished, those Chinese subjects who have in any manner been compromised in their relations with the Japanese army during the war.

Cessation of hostilities.

ART. X.—All offensive military operations shall cease upon the exchange of the ratifications of this Act.

Ratification provided for.

ART. XI.—The present Act shall be ratified by their Majesties the Emperor of Japan and the Emperor of China, and the ratifications shall be exchanged at Chefoo on the 8th day of the 5th month of the 28th year of Meiji, corresponding to 14th day of the 4th month of 21st year of Kuang Hsü (8th May, 1895).

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Signed April 17th, 1895.

Done at Shimonoseki, in duplicate, this 17th day if the 4th month of the 28th year of Meiji, corresponding to 23rd of the 3rd month of the 21st year of Kuang Hsü.

[L.S.] (Signed) COUNT ITO HIROBUMI,
Junii, Grand Cross of the Imperial Order of Paullownia, Minister-President of State, Plenipotentiary of His Majesty the Emperor of Japan.

[L.S.] (Signed) VISCOUNT MUTSU MUNEMITSU,
Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

[L.S.] (Signed) LI HUNG-CHANG,
Plenipotentiary of His Majesty the Emperor of China, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank.

[L.S.] (Signed) LI CHING-FONG,
Plenipotentiary of His Majesty the Emperor of China, Ex-Minister of the Diplomatic Service, of the Second Official Rank.

TREATY OF COMMERCE AND NAVIGATION BETWEEN JAPAN AND CHINA.

Made at Peking on the 21st July, 1896.

Ratified by the Mikado of Japan, on the 29th September, 1896.

Ratifications exchanged at Peking on the 20th October, 1896.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Article VI of the Treaty signed at Shimonoseki on the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü, to conclude a Treaty of Commerce and Navigation, have for that purpose, named as Their Plenipotentiaries, that is to say: Plenipotentiaries.

His Majesty the Emperor of Japan, Baron Hayashi Tadasu, Shosii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Chang Yin-huan, Minister of the Tsung-li Yamên, holding the rank of the President of a Board and Senior Vice-President of the Board of Reveuue; Baron Hayashi. Chang Yin-huan.

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:

ART. I.—There shall be perpetual peace and friendship between His Majesty the Emperor of Japan and His Majesty the Emperor of China, and between their respective subjects who shall enjoy equally in the respective countries of the High Contracting Parties full and entire protection for their persons and property. Amity and mutual protection.

ART. II.—It is agreed by the High Contracting Parties that His Majesty the Emperor of Japan may, if he see fit, accredit a Diplomatic Agent to the Court of Peking and His Majesty the Emperor of China may, if he see fit, accredit a Diplomatic Agent to the Court of Tokio. Diplomatic Agents may be appointed

The Diplomatic Agents thus accredited shall respectively enjoy all the prerogatives, privileges and immunities accorded by international law to such Agents and they shall also in all respects be entitled to the treatment extended to similar Agents of the most favoured nation.

Their persons, families, suites, establishments, residences, and correspondence shall be held inviolable. They shall be at liberty to select and appoint their own officers, couriers, interpreters, and servants and attendants without any kind of molestation.

ART. III.—His Majesty the Emperor of Japan may appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at such of the ports, cities and towns of China which are now or may hereafter be opened to foreign residence and trade, as the interests of the Empire of Japan may require. Consular Officers may be appointed

These officers shall be treated with due respect by the Chinese Authorities, and they shall enjoy all the attributes, authority, jurisdiction, privileges and immunities, which are or may hereafter be extended to similar officers of the nation most favoured in these respects.

His Majesty the Emperor of China may likewise appoint Consuls-General, Cousuls, Vice-Consuls and Consular Agents to reside at any or all of those places in Japan where Consular Officers of other nations are

now or may hereafter be admitted, and, saving in the matter of jurisdiction in respect of Chinese subjects and property in Japan which is reserved to the Japanese Judicial Courts, they shall enjoy the rights and privileges that are usually accorded to such officers.

Japanese subjects may reside and trade at all treaty places.

ART. IV.—Japanese subjects may, with their families, employés and servants, frequent, reside and carry on trade, industries and manufactures or pursue any other lawful avocations, in all the ports, cities and towns of China, which are now or may hereafter be opened to foreign residence and trade. They are at liberty to proceed to or from any of the open ports with their merchandise and effects, and within the localities at those places which have already been or may hereafter be set apart for the use and occupation of foreigners, they are allowed to rent or purchase houses, rent or lease land and to build churches, cemeteries and hospitals, enjoying in all respects the same privileges and immunities as are now or may hereafter be granted to the subjects or citizens of the most favoured nation.

Most favoured nation treatment

Japanese vessels may touch at Ports of call on Yangtsze, Clandestine trade prohibited

ART. V.—Japanese vessels may touch, for the purpose of landing and shipping passengers and merchandise, in accordance with the existing Rules and Regulations concerning foreign trade there, at all those places in China which are now ports of call, namely, Nganching, Tatung, Hukow, Wusueh, Luchikow and Woosung, and such other places as may hereafter be made ports of call also. If any vessel should unlawfully enter ports other than open ports and ports of call in China, or carry on clandestine trade along the coast or rivers, the vessel with her cargo shall be subject to confiscation by the Chinese Government.

Travel in Interior under passport

ART. VI.—Japanese subjects may travel, for their pleasure or for purposes of trade, to all parts of the interior of China, under passports issued by Japanese Consuls and countersigned by the Local Authorities These passports, if demanded, must be produced for examination in the localities passed through If the passports be not irregular, the bearers will be allowed to proceed and no oppositiou shall be offered to their hiring of persons, animals, carts or vessels for their own conveyance or for the carriage of their personal effects or merchandise. If they be without passports or if they commit any offence against the law, they shall be handed over to the nearest Consul for punishment, but they shall only be subject to necessary restraint and in no case to ill-usage.

Time limit to passport

Such passports shall remain in force for a period of thirteen Chinese months from the date of issue. Any Japanese subjects travelling in the interior without a passport shall be liable to a fine not exceeding Tls. 300.

Port-Environs free for travel

Japanese subjects may, however, without passports go on excursions from any of the ports open to trade, to a distance not exceeding 100 Chinese *li* and for a period not exceeding five days. The provisions of this Article do not apply to crews of ships.

Engagement of Chinese subjects

ART. VII.—Japanese subjects residing in the open ports of China, may take into their service Chinese subjects and employ them in any lawful capacity without restraint or hindrance from the Chinese Government or Authorities.

Engagement of boats

ART. VIII.—Japanese subjects may hire whatever boats they please for conveyance of cargo or passengers and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government or officers. No limit shall be put npon the numbers of boats, neither shall a monopoly, in respect either of boat or of the porters or coolies engaged in carrying goods, be granted to any parties. If any smuggling takes place in them the offenders will of course be punished according to law.

ART. IX.—The Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that all articles, the importation or exportation of which is not expressly limited or prohibited by the Tariffs and Tariff Rules existing between China and the Western Powers, may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China other or higher import or export duties than are or may be paid by the subjects or citizens of the most favoured nation; nor shall any article imported into China from Japan or exported from China to Japan be charged upon such importation or exportation, other or higher duties than are now or may hereafter be imposed in China on the like article when imported from or exported to the nation most favoured in those respects.

Existing Tariff and Rules between China and Western Powers applicable for Japanese subjects.

ART. X,—All articles duly imported into China by Japanese subjects or from Japan shall, while being transported, subject to the existing Regulations, from one open port to another, be wholly exempt from all taxes, imposts, duties, likin, charges and exactions of every nature and kind whatsoever, irrespective of the nationality of the owner or possessor of the articles, or the nationality of the conveyance or vessel in which the transportation is made.

Imported article *in transitu*, duty treatment.

ART. XI.—It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market, to clear his goods of all transit duties by payment of a commutation transit tax or duty, equal to one-half of the import duty in respect of dutiable articles, and two and a half per cent upon the value in respect of duty-free articles, and on payment thereof a certificate shall be issued which shall exempt the goods from all further inland charges whatsoever.

Transit Dues for Imports.

It is understood that this Article does not apply to imported Opium.

ART. XII.—All Chinese goods and produce purchased by Japanese subjects in China elsewhere than at an open port thereof and intended for export abroad, shall in every part of China be freed from all taxes, imposts, duties, likin, charges and exactions of every nature and kind whatsoever, saving only export duties when exported, upon the payment of a commutation transit tax or duty calculated at the rate mentioned in the last preceding article, substituting export duty for import duty, provided such goods and produce are actually exported to a foreign country within the period of twelve months from the date of the payment of the transit tax. All Chinese goods and produce purchased by Japanese subjects at the open ports of China and of which export to foreign countries is not prohibited, shall be exempt from all internal taxes, imposts, duties, likin, charges and exactions of every nature and kind whatsoever, saving only export duties upon exportation, and all articles purchased by Japanese subjects in any part of China, may also, for the purposes of export abroad, be transported from open port to open port subject to the existing Rules and Regulations.

Transit Dues for native produce from interior for export, time limit.

ART. XIII.—Merchandise of a *bonâ fide* foreign origin, in respect of which full import duty shall have been paid, may at any time within three years from the date of importation be re-exported from China by Japanese subjects to any foreign country, without the payment of the export duty, and the re-exporters shall, in addition, be entitled forthwith to receive from the Chinese Customs drawback certificates for the amount of import duty paid thereon, provided that the merchandise

Re-exports abroad: drawbacks, time limit.

remains intact and unchanged in its original packages. Such drawback certificates shall be immediately redeemable in ready money by the Chinese Customs Authorities at the option of the holders thereof.

Bonded Warehouses.

ART. XIV.—The Chinese Government consents to the establishment of Bonded Warehouses at the several open ports of China. Regulations on the subject shall be made hereafter.

Tonnage Dues.

ART. XV.—Japanese merchant vessels of more than 150 tons burden, entering the open ports of China, shall be charged tonnage dues at the rate of 4 mace per registered ton; if of 150 tons and under, they shall be charged at the rate of 1 mace per registered ton. But any such vessel taking its departure within 48 hours after arrival, without breaking bulk, shall be exempt from the payment of tonnage dues.

Japanese vessels having paid the above specified tonnage due shall thereafter be exempt from all tonnage dues in all the opens ports of call of China, for the period of four months from the date of clearance from the port where the payment of such tonnage dues is made. Japanese vessels shall not, however, be required to pay tonnage dues for the period duriug which they are actually undergoing repairs in China.

No tonnage dues shall be payable on small vessels and boats employed by Japanese subjects in the conveyance of passengers, baggage, letters, or duty-free articles between any of the open ports of China. All small vessels and cargo boats, however, conveying merchandise which is, at the time of such conveying, subject to duty, shall pay tonnage dues once in four months at the rate of 1 mace per ton.

No fee charges, other than tonnage dues, shall be levied upon Japanese vessels and boats, and it is also understood that such vessels and boats shall not be required to pay other or higher tonnage dues than the vessels and boats of the most favoured nation.

Pilots.

ART. XVI.—Any Japanese merchant vessel arriving at an open port of China, shall be at liberty to engage the services of a pilot to take her into port. In like manner, after she has discharged all legal dues and duties and is ready to take her departure, she shall be allowed to employ a pilot to take her out of port.

Vessels may enter any harbour through stress of weather.

ART. XVII.—Japanese merchant vessels compelled on account of injury sustained or any other cause, to seek a place of refuge, shall be permitted to enter any nearest port of China, without being subject to the payment of tonnage dues or duties upon goods landed in order that repairs to the vessel may be effected, provided the goods so landed remain under the supervision of the Customs Authorities. Should any such vessel be stranded or wrecked on the coast of China, the Chinese Authorities shall immediately adopt measures for securing the vessel and cargo. The persons thus saved shall receive friendly treatment, and, if necessary, shall be furnished with means of conveyance to the nearest Consular station. Should any Chinese merchant vessel be compelled on account of injury sustained or any other cause to seek a place of refuge in the nearest port of Japan, she shall likewise be treated in the same way by the Japanese Authorities.

Wrecks.

Preventive service.

ART. XVIII.—The Chinese Authorities at the several open ports shall adopt such means as they judge most proper to prevent the revenue suffering from fraud or smuggling.

Piracy.

ART. XIX.—If any Japanese vessel be plundered by Chinese robbers or pirates, it shall be the duty of the Chinese Authorities to use every endeavour to capture and punish the said robbers or pirates and to recover and restore the stolen property.

ART. XX.—Jurisdiction over the persons and property of Japanese subjects in China is reserved exclusively to the duly authorised Japanese Authorities, who shall hear and determine all cases brought against Japanese subjects or property by Japanese subjects or by the subjects or citizens of any other Power, without intervention of the Chinese Authorities. **Japanese subjects in China under jurisdictions of own Consuls.**

ART. XXI.—If the Chinese Authorities or a Chinese subject make any charge or complaint of a civil nature against Japanese subjects or in respect of Japanese property in China, the case shall be heard and decided by the Japanese Authorities. In like manner all charges and complaints of a civil nature brought by Japanese Authorities or subjects in China against Chinese subjects or in respect of Chinese property, shall be heard and determined by the Chinese Authorities. **Civil cases heard by Official of defendant's nationality.**

ART. XXII.—Japanese subjects charged with the commission of any crimes or offences in China shall be tried and, if found guilty, punished by the Japanese Authorities according to the laws of Japan. **Criminals to be punished by own Officials.**

In like manner Chinese subjects charged with the commission of crimes or offences against Japanese subjects in China shall be tried and, if found guilty, punished by the Chinese Authorities according to the laws of China.

ART. XXIII.—Should any Chinese subject fail to discharge debts incurred to a Japanese subject or should he fraudulently abscond, the Chinese Authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The Japanese Authorities will likewise do their utmost to bring to justice any Japanese subject who fraudulently absconds or fails to discharge debts incurred by him to a Chinese subject. **Absconding debtors.**

ART. XXIV,—If Japanese subjects in China who have committed offences or have failed to discharge debts and fraudulently abscond, should flee to the interior of China or take refuge in houses occupied by Chinese subjects or on board of Chinese ships, the Chinese Authorities shall, at the request of the Japanese Consul, deliver them to the Japanese Authorities. **Japanese debtors, etc., taking refuge in Chinese houses to be delivered up and *vice versâ*.**

In like manner if Chinese subjects in China who have committed offences or have failed to discharge debts and fraudulently abscond, should take refuge in houses occupied by Japanese subjects in China or on board of Japanese ships in Chinese waters they shall be delivered up at the request of the Chinese Authorities made to the Japanese Authorities.

ART. XXV.—The Japanese Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by the Treaty stipulations between Japan and China which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may be hereafter granted by His Majesty the Emperor of China to the government or subjects of any other nation. **Existing Treaty stipulations confirmed: favoured nation treatment conceded.**

ART. XXVI.—It is agreed that either of the High Contracting Parties may demand a revision of the Tariffs and of the Commercial Articles of this Treaty at the end of ten years from the date of the exchange of the ratifications; but if no such demand be made on either side and no such revision be effected within six months after the end of first ten years then the Treaty and Tariffs, in their present form, shall remain in force for ten years more, reckoned from the end of the preceding ten years, and so it shall be at the end of each successive period of ten years. **Tariff revision.**

Further Rules to be drawn up to give effect to this Treaty.

ART. XXVII.—The High Contracting Parties will agree upon Rules and Regulations necessary to give full effect to this Treaty Until such Rules and Regulations are brought into actual operation the Arrangements, Rules and Regulations subsisting between China and the Western Powers, so far as they are applicable and not inconsistent with the provisions of this Treaty, shall he binding between the Contracting Parties.

English text of Treaty to rule.

ART. XXVIII.—The present Treaty is signed in the Japanese, Chinese, and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed that in case of any divergence in the interpretation between the Japanese and Chinese texts of the Treaty, the difference shall be settled by reference to the English text.

Ratifications.

ART. XXIX.—The present Treaty shall be ratified by His Majesty the Emperor of China and His Majesty the Emperor of Japan, and the ratification thereof shall be exchanged at Peking not later than three months from the present date.

In Witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Peking, 21st July, 1896.

Done at Peking this 21st day of the 7th month of the 29th year of Meiji, corresponding to the 11th day of the 6th month of the 22nd year of Kuang Hsü (July 21st, 1896).

[L.S.] (Signed) HAYASHI TADASU.
[L.S.] (Signed) CHANG YIN-HUAN.

THE FOLLOWING PROTOCOL AGREED UPON BETWEEN JAPAN AND CHINA IN REGARD TO JAPANESE SETTLEMENTS AT THE OPEN PORTS OF CHINA, AND OTHER MATTERS, IS PUBLISHED IN THE *OFFICIAL GAZETTE* OF 10TH NOVEMBER, 1896.

Baron Hayashi Tadasu, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan and the Minister of Foreign Affairs of His Majesty the Emperor of China have agreed upon the following stipulations supplementary to the Treaty of Commerce and Navigation:—

ART. I.—It is agreed by the Contracting Parties that Settlements exclusively for the use of the Japanese shall be provided at each open port of China, the Japanese Consul having full coutrel over the roads and police affairs in such Settlements.

ART. II.—It is agreed that all matters relating to steamers and other boats of foreign merchants and the persons engaged in the said boats, referred to in the Regulations for Trade of Foreign merchants between the three places of Su, Hang and Hu, issued by the Shanghai Customs on the 3rd day of the 8th month of the 22nd year of Kuang Sü, shall be determined upon consultation with the Japanese authorities; and that the Yangtze Trade Regulations shall be applied as far as practicable until such provisions shall have been adopted.

ART. III.—The Japanese Government agrees that the Chinese Government may impose such tax as it may see fit on the articles manufactured by Japanese subjects in China, provided that such tax shall neither be other than that payable by the Chinese subjects, nor higher. The Chinese Government agrees to allow Settlements to be established without delay for the exclusive use of Japanese at Shanghai, Tientsin, Amoy and Hankow, upon the demand of the Japanese Government.

ART. IV.—The Chinese Government agrees to instruct the Governor-General of Shantung that the Chinese army shall neither approach nor occupy any place within an area of five Japanese *ri*, or about forty Chinese *li*, measured from the boundary of the district occupied by the Japanese army in accordance with the Treaties between the two countries.

Done, in duplicate, in the Japanese and Chinese languages, and carefully compared, signed and sealed, a copy being kept by each of the signatories.

[L.S.]	(Signed)	HAYASHI TADASU.
[L.S.]	(Signed)	PRINCE KUNG.
[L.S.]	(Signed)	YIN LU.
[L.S.]	(Signed)	CHANG YIN-HUAN.

19th day, 10th month, 29th year of Meiji.

13th day, 9th month, 22nd year of Kwang Sü (19th Oct., 1896).

PERU.

CONVENTION AND TREATY BETWEEN THE REPUBLIC OF PERU AND THE EMPEROR OF CHINA.

Signed, in the Spanish, English, and Chinese Languages, at Tientsin, 26th June, 1874.

Ratification exchanged at Tientsin, 7th August, 1875.

CONVENTION.

SPECIAL AGREEMENT BETWEEN PERU AND CHINA.

Cant. A. Garcia y Garcia.

The undersigned, Aurelio Garcia y Garcia, Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru for the Empires of China and Japan; and

Li Hung-chang

Li, Minister Plenipotentiary of His Majesty the Emperor of China Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor-General of the Province of Chihli, and invested with the dignity of the second order of nobility;

Have concluded the following Special Agreement:—

A Treaty shall be concluded, and Chinese Commission shall be sent to Peru

Inasmuch as, at present, Chinese are known to be residing in great numbers within the territory of Peru, and in view of the representations that have been made to the effect that some of these are suffering grievances, now then the respective Plenipotentiaries, being desirous of establishing amicable relations between the two countries, agree, on the one hand, that a Treaty of Friendship Commerce, and Mutual Intercourse shall be concluded, and on the other, that with the view of establishing a thorough friendly understanding, the Chinese Government shall send a Commission to Peru.

to investigate the condition of Chinese immigrants.

The said Commission shall institute a thorough investigation into the condition of Chinese immigrants in all parts of Peru, to whom they shall make known the subjects in view by means of public notifications.

Peruvian Government will assist the Commission.

The Government of Peru, on their side, will give the fullest possible assistance to the Commission in the fulfilment of its duties, and will treat it with all due courtesy.

On the arrival of the Commission in Peru, the Peruvian Government will order all local or provincial authorities to give to the Commission all the assistance in their power, for the performance of its duties.

Commission to communicate cases of ill-treatment of immigrants to local authorities.

In case it should be ascertained that Chinese immigrants whose contracts have not expired, be their numbers what they may, are actually suffering ill-treatment, it is now agreed that the Commission shall communicate the particulars concerning them to the local authorities. In case the employers of such Chinese immigrants decline to acknowledge the ill-treatment, the local authorities shall then send the complaints in question before the tribunals for judicial inquiry and decision.

If the immigrants in any case be dissatisfied with the decision of the primary Judge, it shall be open to the aggrieved parties forthwith to appeal to the higher Courts of Justice of Peru, for further investigation. Immigrants' right of appeal.

The Chinese immigrants will be placed on a footing of equality as regards legal procedure with that enjoyed by the subjects of the most favored nation residing in Peru. Immigrants to be on an equality as regards legal procedure with the subjects of other nations.

From the date of the ratification of this special agreement by the Peruvian Government, the said Government will compel the employers of Chinese immigrants whose contracts have expired, and in which it may have been stipulated that they shall be sent back to China, to provide them with passage back to their native country, if they be desirous of returning to China. Employers of immigrants to provide return passage for them if stipulated in contracts.

In the case of Chinese immigrants in whose contracts no stipulation is made for the return passage on the expiry of the contracts, and provided that the immigrants shall express a wish to return to China, but shall be without the means of providing their own passage, the Peruvian Government will cause them to be repatriated gratuitously, in the ships which leave Peru for China. Peruvian Government to provide immigrants in whose contracts there is no such stipulation with return passage.

The present agreement is written and signed in six copies, viz., two in Spanish, two in Chinese, and two in English. All these versions have the same meaning and intention.

The present Agreement shall be ratified by His Excellency the President of the Republic of Peru, after being approved by the Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tientsin. Exchange of ratification.

In token whereof the respective Plenipotentiaries have signed and sealed this Agreement.

Done at Tientsin, this twenty-sixth day of the month of June in the year of our Lord one thousand eight hundred and seventy-four, corresponding to the Chinese date thirteenth day of the fifth moon of the thirteenth year of Tung-Chi. Signed, 26th June, 1874.

[L.S.] (Signed) AURELIO GARCIA Y GARCIA.
[L.S.] (Signed) LI HUNG-CHANG.

TREATY.

His Excellency the President of the Republic of Peru and His Majesty the Emperor of China, being sincerely desirous to establish friendly relations between the two countries, have resolved to confirm the same by a Treaty of Friendship, Commerce and Navigation with the view of laying the foundations of mutual intercourse; and for that purpose, have named as their Plenipotentiaries, that is to say: Plenipotentiaries.

His Excellency the President of Peru, Don Aurelio Garcia y Garcia, a Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of that Republic for the Empires of China and Japan; and Capt. A. Garcia y Garcia.

His Majesty the Emperor of China, Li, Minister Plenipotentiary, Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor-General of the Province of Chih-li, and invested with the dignity of the second order of nobility; Li Hung-chang.

Who, after having examined and exchanged their respective full powers, have together agreed upon the following Treaty for the

benefit and protection of the merchants and people of the two countries:—

Reciprocity of friendship and protection.

ART. I.—There shall be peace and friendship between the Republic of Peru and His Majesty the Emperor of China. Their respective citizens and subjects shall reciprocally enjoy in the territories of the high contracting parties full and perfect protection to their persons and property.

Peruvian Diplomatic Agent to China may reside at Peking, Chinese Diplomatic Agent to Peru at Lima.

ART. II.—In order to facilitate friendly intercourse in future, His Excellency the President of Peru may, if he see fit, appoint a Diplomatic Agent to the Court of Peking, and His Majesty the Emperor of China may, in like manner, if he see fit, appoint a Diplomatic Agent to the Government of Peru.

His Majesty the Emperor of China hereby agrees that the Diplomatic Agent so appointed by the Government of Peru, may, with his family and the persons of his suite, permanently reside at Peking, or may visit it occasionally, at the option of the Peruvian Government.

In like manner, the Diplomatic Agent of China may, with his family and the persons of his suite, permanently reside at Lima, or may visit it occasionally, at the option of the Chinese Government.

Both Diplomatic Agents to enjoy all privileges and immunities accorded by international usages.

ART. III.—The Diplomatic Agent of each of the contracting parties shall, at their respective residences, enjoy all privileges and immunities accorded to them by international usages.

Peruvian Consular officers may be appointed to the open ports of China. Chinese Consular officers to the ports of Peru.

ART. IV.—The Government of Peru may appoint a Consul-General, and for such open ports or cities of China, where it may be considered most expedient for the interest of Peruvian commerce, Consuls, Vice-Consuls, or Consular Agents. These officers shall be treated with due respect by the Chinese authorities, and enjoy the same privileges and immunities as the Consular officers of the most favoured nation.

His Majesty the Emperor of China may appoint a Consul-General, Consuls, Vice-Consuls, or Consular Agents at any port or town of Peru where Consular Officers of any other power are admitted to reside. All of these officers shall enjoy the same rights and privileges as those of the most favoured nation in Peru.

Such officers shall not be resident merchants.

It is further agreed that the appointment of the said Consular Officers shall not be made in merchants residing in the locality.

Peruvian citizens may travel and trade in the interior with passports, or for five days within 100 li from open ports without passports.

ART. V.—Peruvian citizens are at liberty to travel for the pleasure, or for purposes of trade, in all parts of China, under express condition of being provided with passports written in Spanish and Chinese, issued in due form by the Consuls of Peru and viséd by the Chinese authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons, or hiring vessels or carts for the carriage of his baggage or merchandise, and the said merchandise shall be conveyed in accordance with the General Regulations of foreign trade.

If the traveller be without a passport, he shall be handed over to the nearest Consul in order to enable him to procure one. The above provision will in like manner be applicable to cases of a Peruvian citizen committing any offence against the law of China. But he shall in no case be subjected by the Chinese authorities to any kind of ill-treatment or insult.

The citizens of Peru may go on excursions from the open ports or cities to a distance not exceeding 100 *li*, and for a period not exceeding five days, without being provided with a passport.

The above provisions do not apply to the crews of ships, who, when on shore, shall be subject to the disciplinary regulations drawn up by the Consul and the local authorities. Crews of ships.

Chinese subjects shall have the liberty to travel at their pleasure throughout the territory of Peru, as long as they behave peaceably, and commit no offence against the laws and regulations of the country. Chinese travelling in Peru.

ART. VI.—The Republic of Peru aud the Empire of China cordially recognize the inherent and inalienable right of man to change his home. Their citizens and subjects respectively may consequently go freely from the one country to the other for the purpose of curiosity, trade, labour, or as permanent residents. The high contracting parties therefore agree that the citizens and subjects of both countries shall only emigrate with their free and voluntary consent; and join in reprobating any other than an entirely voluntary emigration for the said purpose. and every act of violence or fraud that may be employed in Macao or the ports of China to carry away Chinese subjects. The contracting parties likewise pledge themselves to punish severely, according to their laws, their respective citizens and subjects who may violate the present stipulations, and also to proceed judicially against their respective ships that may be employed in such unlawful operations, imposing the fines which for such cases are established by their laws. Citizens of Peru may emigrate to China, and Chinese subjects to Peru. All emigration to be voluntary.

ART. VII.—It is further agreed, that for the better understanding and more efficient protection of the Chinese subjects who reside in Peru, the Peruvian Government will appoint official interpreters of the Chinese language in the prefecture of the departments of Peru where the great centres of Chinese immigration exist. Peruvian Government will appoint interpreters of Chinese in the great centres of Chinese immigration.

ART. VIII.—The merchant ships belonging to Peruvian citizens shall be permitted to frequent all the ports of China open to foreign trade, and to proceed to and fro at pleasure with their merchandise, enjoying the same rights and privileges as those of the most favoured nation. Peruvian ships may trade at all the open ports of China, and Chinese ships at all the open ports of Peru.

In like manner, the merchant ships belonging to Chinese subjects, may visit all the ports of Peru open to foreign commerce and trade in them, enjoying the same rights and privileges which in Peru are granted to the citizens or subjects of the most favoured nation.

ART. IX.—Peruvian citizens shall pay at the ports of China open to foreign trade on all the goods imported or exported by them, the duties enumerated in the tariff which is now in force for the regulation of foreign commerce; but they can, in no case, be called to pay higher or other duties than those required now or in future of the citizens or subjects of the most favoured nation. Peruvian citizens to pay duties prescribed by Tariff, but none other than subjects of other nations. Duties on goods of Chinese subjects in Peru the same as those imposed on the commerce of other nations.

No other or higher duties shall be imposed in the ports of Peru on all goods imported or exported by Chinese subjects, than those which are or may be imposed in Peru on the commerce of the most favoured nation.

ART. X.—The ship of war of each country respectively shall be at liberty to visit all the ports within the territories of the other, to which the ships of war of other nations are or may be permitted to come. They shall enjoy every facility, and meet no obstacle in purchasing provisions, coals, procuring water, and making necessary repairs. Such ships shall not be liable to the payment of duties of any kind. Ships of war of either country may visit the ports of the other, and enjoy facilities for refitting, etc., and shall not pay duties.

ART. XI.—Any Peruvian vessels, being from extraordinary causes compelled to seek a place of refuge, shall be permitted to enter any Chinese port whatever, without being subject to the payment of Chinese authorities shall relieve Peruvian ships wrecked or

seeking refuge on Chinese coasts. Peruvian authorities shall relieve Chinese vessels wrecked or seeking refuge on the coasts of Peru.

tonnage dues or duties on the goods, if only landed for the purpose of making the necessary repairs of the vessel, and remaining under the supervision of the Superintendent of Customs.

Should any such vessel be wrecked or stranded, the Chinese authorities shall immediately adopt measures for rescuing the crew, and for securing the vessel and cargo. The crew thus saved, shall receive friendly treatment, and, if necessary, shall be furnished with the means of conveyance to the nearest Consular station.

If any Chinese vessels be wrecked or compelled by stress of weather to seek a place of refuge in the coasts of Peru, the local maritime authorities shall render to them every assistance in their power; the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; and the ships shall enjoy the same liberties which in equal cases are granted in Peru to the ships of other nations.

Mode of settling disputes between Peruvian citizens and Chinese subjects.

ART. XII.—Peruvian citizens in China having reason to complain of a Chinese shall proceed at once to their Consular Officer and state to him their grievance. The Consul will inquire into the case, and do his utmost to arrange it amicably.

In like manner, if a Chinese have reason to complain of a Peruvian citizen in China, the Consular Officer shall listen to his complaint, and endeavour to come to a friendly arrangement.

Should the Consular Officer not succeed in making such an arrangement, then he shall request the assistance of the competent Chinese Officer, that they may together decide the matter according to the principles of equity.

Chinese criminals punished by Chinese authorities. Peruvian criminals by Peruvian Consular officer.

ART. XIII.—Chinese subjects guilty of a criminal action towards a Peruvian citizen in China shall be arrested and punished by the Chinese laws.

Peruvian citizens in China, who may commit any crime against a Chinese subject, shall be arrested and punished according to the laws of Peru, by the Peruvian Consular Officer.

Chinese authorities shall not interfere in disputes between citizens of Peru and other foreigners, except in cases in which Chinese subjects are concerned.

ART. XIV.—All questions in regard to rights, whether of property or person, arising between Peruvian citizens in China, shall be subject to the jurisdiction of the Peruvian authorities. Disputes between citizens of Peru and those of other foreign nations shall be decided in China according to the treaties existing between Peru and those foreign nations. In all cases, however, of Chinese subjects being concerned in the matter, the Chinese authorities may interfere in the proceeding according to Articles XII and XIII of the Treaty.

Chinese subjects in Peru shall have free access to Courts of Justice, and shall enjoy the rights of native citizens.

ART. XV.—Chinese subjects in Peru shall have free and open access to the Courts of Justice of Peru for the prosecution and defence of their just rights; they shall enjoy in this respect the same rights and privileges as native citizens, and shall also be treated in every way like the citizens and subjects of other countries resident in Peru.

Government public officers, and citizens of Peru shall enjoy all privileges granted to subjects of other nations.

ART. XVI.—The contracting parties agree, that the Government, public officers, and citizens of the Republic of Peru, shall fully and equally participate in all privileges, rights, immunities, jurisdictions and advantages that may have been, or may be hereafter granted by His Majesty the Emperor of China, to the Government, public officers, citizens, or subjects of any other nation.

Chinese in Peru to enjoy the rights of the most favoured nation.

In like manner, the Government, public officers, and subjects of the Empire of China, shall enjoy in Peru all the rights, privileges, immunities and advantages of every kind which in Peru are enjoyed by the Government, public officers, citizens, or subjects of the most favoured nation.

When the interpretation of the Spanish and Chinese versions of this Treaty may differ, reference shall be made to the English text.

ART. XVII.—In order to prevent for the future any discussion, and considering that the English language, among all foreign languages, is the most generally known in China, this Treaty is written in the Spanish, Chinese and English languages, and signed in nine copies, three in each language. All these versions have the same sense and signification, but whenever the interpretation of the Spanish and Chinese versions may differ, then reference shall be made to the English text.

This treaty may be revised after ten years from exchange of ratification.

ART. XVIII.—If in future the high contracting parties desire a modification of any stipulation contained in this Treaty, they shall be at liberty, after the lapse of ten years, dated from the day of the exchange of the ratifications of this Treaty, to open negotiations to that effect. Six months before the expiration of the ten years, either of the contracting parties may officially notify to the other that modifications of the Treaty are desired, and in what these consist. If no such notification is made, the Treaty remains in force for another ten years.

Exchange of ratification at Shanghai or Tientsin.

ART. XIX.—The present Treaty shall be ratified by His Excellency the President of Peru after being approved by the Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tientsin as soon as possible. In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

26th June, 1874.

Done at Tientsin, this twenty-sixth day of the month of June in the year of the Lord one thousand eight hundred and seventy-four, corresponding to the Chinese date the thirteenth day of the fifth moon of the thirteenth year of Tung Chi.

[L.S.] (Signed) AURELIO GARCIA Y GARCIA.

[L.S.] (Signed) LI HUNG-CHANG.

[Translated from the German Text.]

GERMANY.

SUPPLEMENTARY CONVENTION BETWEEN GERMANY AND CHINA.

Signed at Peking, in the German and Chinese Languages, on the 31st March, 1880.

Ratified 16th September, 1881.

His Majesty the German Emperor, King of Prussia, etc., in the name of the German Empire, and his Majesty the Emperor of China, wishing to secure the more perfect execution of the Treaty of the 2nd September, 1861, have, in conformity with Article XLI of that Treaty, according to the terms of which the High Contracting German States are entitled, after a period of ten years, to demand a revision of the Treaty, decided to conclude a Supplementary Convention.

With this view they have appointed their Plenipotentiaries, viz., His Majesty the German Emperor, King of Prussia, etc., his Envoy Extraordinary and Minister Plenipotentiary, Max August Scipio von Brandt; and His Majesty the Emperor of China, the Minister of the Tsung-li Yamên, the Secretary of State, etc., Shen Kue-fen; and the Secretary of State, etc., Chin Lien;

Who, after communicating to each other their full powers, and finding them in due form, have agreed upon the following Articles:—

ART. I.—*Chinese concession.*—The harbours of Ichang, in Hupei; Wuhu, in Anhui; Wenchow in Chekiang; and Pakhoi in Kwangtung, and the landing-places Tat'ung and Anking in Anhui, Huk'ow in Kiangsi, Wusueh, Luchikow and Shahshih in Hukuang, having already been opened, German ships are in future also to be permitted to touch at the harbour of Woosung in the province of Kiangsu, to take in or discharge merchandise. The necessary Regulations are to be drawn up by the Taotai of Shanghai and the competent authorities.

German concession.—In the event of special regulations for the execution of concessions which the Chinese Government may make to foreign Governments being attached to such concession, Germany, while claiming these concessions for herself and for her subjects will equally assent to the regulations attached to them.

Article XI of the Treaty of the 2nd September, 1861, is not affected by this regulation, and is hereby expressly confirmed.

Should German subjects, on the strength of this article, claim privileges, immunities, or advantages which the Chinese Government may further concede to another Power, or the subject of such Power, they will also submit to the regulations which have been agreed upon in connection with such concession.

ART. II.—*Chinese concession.*—German ships, which have already paid tonnage dues in China, may visit all other open ports in China, as well as all ports not Chinese, without exception, without being again obliged to pay tonnage dues, within the given period of four months.

German sailing-vessels which remain in the same Chinese harbour for a longer period than fourteen days shall only pay for time over and above this period half of the tonnage dues stipulated by Treaty.

German concession.—The Chinese Government shall have the right of appointing Consuls to all towns of Germany in which the Consuls of other States are admitted, and they shall enjoy the same rights and privileges as the Consuls of the most favoured nation.

ART. III.—*Chinese concession.*—The Chinese Commissioner of Customs, and the other competent authorities, shall, after agreeing upon the necessary regulations, themselves take measures for the establishment of bonded warehouses in all the open ports of China in which they are required in the interests of foreign commerce, and where local circumstances would admit of such an arrangement being made.

German concession.—German ships, visiting the open ports of China, shall deliver a manifest containlng an exact statement as to the quality and quantity of their cargoes. Mistakes which may have occurred in the manifests can be rectified in the course of twenty-four hours (Sundays and holidays excepted). False statements as to the quantity and quality of cargo are punishable by confiscation of the goods and also by a fine to be imposed upon the captain, but not to exceed the sum of Tls. 500.

ART. IV.—*Chinese concession.*—The export duty on Chinese coal, exported by German merchants from the open ports, is reduced to three mace per ton. In those ports in which a lower duty on the export of coal has already being fixed upon, the lower duty remains in force.

German concession.—Any one acting as pilot for any kind of craft whatever, without being furnished with the regulation certificate, is liable to a fine not to exceed Tls. 100 for each separate case.

Regulations with a view to exercising a proper control over sailors are to be introduced with the least possible delay.

ART. V.—*Chinese concession.*—German ships in want of repairs in consequence of damages sustained within or without the port are not required to pay tonnage dues during the period necessary for repairs, which is to be fixed by the Inspectorate of Customs.

German concession.—Ships belonging to Chinese may not make use of the German flag, nor may German ships make use of the Chinese flag.

ART. VI.—*Chinese concession.*—In the event of German ships, no longer fit for sea, being broken up in any open port of China, the material may be sold without any import duty being levied upon it. But if the materials are to be brought ashore a "permit of discharge" must first be obtained for them from the Customs Inspectorate, in the same manner as in the case of merchandise.

German concession.—If German subjects travel into the interior for their own pleasure without being in possession of a passport issued by the Consul and stamped by the proper Chinese authority, the local authorities concerned are entitled to have them taken back to the nearest German Consulate, in order that the requisite supervision may be exercised over them. The offender is, in addition to this, liable to a fine up to Tls. 300.

ART. VII.—*Chinese concession.*—Materials for German docks are free of duty. A list of articles which may be imported free of duty in conformity with this stipulation is to be drawn up and published by the Inspector General of Customs..

German concession—Passes issued to German subjects for conveying foreign merchandise into the interior, as well as passports for the purpose of travelling issued to German subjects, are only to remain in force for a period of thirteen Chinese months from the day on which they were issued.

ART. VIII.—The settlement of the question relating to judicial proceedings in mixed cases, the taxation of foreign merchandise in the interior, the taxation of Chinese goods in the possession of foreign merchants in the interior, and intercourse between foreign and Chinese officials are to become the subject of special negotiation, which both Governments hereby declare themselves ready to enter upon.

ART. IX.—All the provisions of the former Treaty of the 2nd September, 1861, which have not been altered by this agreement, are hereby confirmed anew, as both parties now expressly declare.

In the cases of those articles, on the other hand, which are effected by the present Treaty, the new interpretation of them is to be considered as binding.

ART. X.—The present Supplementary Convention shall be ratified by their Majesties, and the ratifications exchanged at Peking, within a year from the date of its signature.

The provisions of the agreement come into force on the day of the exchange of the ratifications.

In witness whereof the Plenipotentiaries of both the High Contracting Powers have signed and sealed with their seals the above agreement in four copies, in the German and Chinese texts, which have been compared and found to correspond.

Done at Peking the 31st March, 1880, corresponding to the 21st day of the second month of the sixth year of Kwang Sü.

[L.S.]	(Signed)	M. VON BRANDT.
[L.S.]	(Signed)	SHEN KUE-FEN.
[L.S.]	(Signed)	CHING LIEN.

SPECIAL STIPULATIONS TO THE SUPPLEMENTARY CONVENTION.

For the sake of greater clearness and completeness, it has seemed fitting to append a number of special stipulations to the Supplementary Convention.

The following stipulations must be observed by the subjects of both the Contracting Parties, in the same way as the stipulations of the Treaty itself. In proof whereof the Plenipotentiaries of the two States have hereto set their seals and signatures:—

1.—In accordance with the newly granted privileges for the port of Woosung in the province of Kiangsu, German ships shall be at liberty to take in and to unload there merchandise which is either intended for Shanghai or comes from Shanghai; and for this purpose the competent authorities there shall have the right of devising regulations in order to prevent frauds on the taxes and irregularities of every kind; which regulations shall be binding for the merchants of both countries: German merchants are not at liberty to construct landing-places for ships, merchant houses, or warehouses at the said place.

2.—An experiment to ascertain whether bonded warehouses can be established in the Chinese open ports shall first be made at Shanghai. For this purpose the Customs Director at the said place, with the Customs Inspector General, shall forthwith draw up regulations suitable to the local conditions, and then the said Customs Director and his colleagues shall proceed to the establishment of such bonded warehouse.

3.—If any goods found on board a German ship, for the discharge whereof a written permit from the Customs Office is required, are not entered in the manifest, this shall be taken as proof of a false manifest, no matter whether a certificate of the reception of such goods on board, bearing the captain's signature, be produced or not.

4.—If a German ship, in consequence of damages received in one of the open Chinese ports or outside thereof, needs repair, the time required for such repair shall be reckoned in addition to the term after the lapse of which tonnage-dues are to be paid. The Chinese authorities have the right to make the necessary arrangements for this purpose. But if it appears therefrom that this is only a pretext and a design to evade the legal payments to the Customs chest, the ship therein concerned shall be fined in double the amount of the tonnage-dues whereof it has tried to evade the payment.

5.—No ships of any kind which belong to Chinese subjects are allowed to make use of the German flag. If there are definite grounds for suspicion that this has nevertheless been done, the Chinese authority concerned is to address an official communication thereon to the German Consul, and if it should be shown, in consequence of the investigation instituted by him, that the ship was really not entitled to bear the German flag, the ship, as well as the goods found therein, so far as they belong to Chinese merchants, shall be immediately delivered over to the Chinese authorities for further disposal. If it be ascertained that German subjects were aware of the circumstances, and took part in the commission of the irregularity, the whole of the goods belonging to them fouud in the ship are liable to confiscation, and the people themselves to punishment according to law.

In case a German ship carries the Chinese flag without authority to do so, then, if it be ascertained through the investigation made by the Chinese authorities that the ship was really not entitled to bear the Chinese flag, the ship, as well as the goods found therein, so far as they belong to German merchants, shall be immediately delivered over to the German Consul for further disposal and the punishment of the guilty. If it be shown that German owners of goods were aware of the circumstance and took part in the commission of this irregularity, all the goods belonging to them found in the ship shall incur the penalty of confiscation by the Chinese authorities. The goods belonging to Chinese may be immediately seized by the Chinese authorities.

6.—If, on the sale of the materials of a German ship which, from unseaworthiness, has been broken up in one of the open Chinese ports, an attempt be made to mix up with them goods belonging to the cargo, these goods shall be liable to confiscation and, moreover, to a fine equal to double the amount of the import duty which they would otherwise have had to pay.

7.—If German subjects go into the interior with foreign goods, or travel there, the passes or certificates issued to them shall only be valid for thirteen Chinese months, reckoned from the day of their issue, and after the lapse of that term must no longer be used. The expired passes and certificates must be returned to the Customs authorities in whose official district they were issued in order to be cancelled.

N.B.—If a pleasure excursion be undertaken into regions so distant that the term of a year appears insufficient, this must be noted on the pass by reason of an understanding between the Consul and the Chinese authority at the time it is issued.

If the return of the passport be omitted, no further pass shall be issued to the person concerned until it has taken place. If the pass be lost, no matter whether within the term or after its expiration, the person concerned must forthwith make a formal declaration of the fact before the nearest Chinese authority. The Chinese official applied to will then do what else may be necessary for the invalidation of the pass. If the recorded declaration prove to be untrue, in case the transport of goods be concerned, they will be confiscated; if the matter relate to travelling, the traveller will be taken to the nearest Consul, and be delivered up to him for punishment.

8.—Materials for German docks only enjoy, in so far as they are actually employed for the repair of ships, the favour of duty-free importation, in open ports. The Customs authority has the right to send inspectors to the dock to convince themselves on the spot as to the manner and way in which the materials are being used. If the construction of a new ship be concerned, the materials employed for this, in so far as they are specially entered in the import or export tariff, will be reckoned at the tariff duty, and those not entered in the tariff at a duty of 5 per cent *ad valorem*, and the merchant concerned will be bound to pay this duty subsequently.

Any one who wishes to lay out a dock is to get from the Customs Office a gratis Consession certificate, and to sign a written undertaking, the purport and wording whereof is to be settled in due form by the Customs office concerned.

9.—Article XXIX of the Treaty of the 2nd September, 1861, shall be applicable to the fines established by this present Supplementary Convention.

Done at Peking the 31st March, 1880, corresponding with the 21st day of the 2nd month of the 6th year of Kwang Sü.

[L.S.]	(Signed)	M. VON BRANDT.
[L.S.]	(Signed)	SHEN KUE-FEN.
[L.S.]	(Signed)	CHING LIEN.

THE PRINCE OF KUNG AND THE MINISTERS OF THE TSUNG-LI YAMÊN TO HERR VON BRANDT.

Kwang Sü, 6th year, 2nd month, 21st day.
(Peking, March 31st, 1882.)

With regard to the stipulation contained in the second Article of the Supplementary Convention concluded on occasion of the Treaty revision, that German sailing-ships which lie for a longer time than fourteen days in Chinese ports shall only pay for the time beyond that term the moiety of the tonnage dues settled by Treaty, the Plenipotentiaries of the two contracting parties have agreed and declared that the said stipulation shall first of all be introduced by way of trial, and that in case on carrying it out practical difficulties should arise, another stipulation may be put in its place on the basis of a renewed joint discussion by both parties.

(PRINCE KUNG AND THE MINISTERS OF THE TSUNG-LI YAMÊN.)

PROTOCOL.

The undersigned, who have been expressly empowered by their Government to make the following arrangements, have agreed that the term settled by the Plenipotentiaries of the German Empire and of China in the Supplementary Convention concluded at Peking on the 31st March this year, for the exchange of the Ratification of the Convention, shall be prolonged till the 1st December, 1881.

The other stipulations of the Supplementary Convention of the 31st March, this year, are not affected by this alteration.

In witness whereof the undersigned have subscribed with their own hands and affixed their seals to this Agreement, in two copies of each of the German and Chinese texts, which have been compared with each other and found to correspond.

Done at Peking the 21st August, 1880, corresponding with the 16th day of the 7th month of the 6th year of Kwang Sü.

[L.S.]	(Signed)	M. VON BRANDT.
[L.S.]	(Signed)	SHEN KUE-FEN.
[L.S.]	(Signed)	CHING LIEN.
[L.S.]	(Signed)	WANG NEEN-SHOU.
[L.S.]	(Signed)	LIN SHU.
[L.S.]	(Signed)	CHUNG LI.

[Translated from the Chinese Text.]

SPAIN.

EMIGRATION CONVENTION BETWEEN SPAIN AND CHINA.

Signed at Peking, in Spanish, French and Chinese Languages, 17th November, 1877.

Ratified 6th December, 1878.

His Majesty the King of Spain and His Majesty the Emperor of China, being very desirous of establishing on a new basis the Emigration of Chinese subjects to the Island of Cuba, and in order to avoid any further complication which might hereafter arise, have nominated for their Plenipotentiaries, as follows:

His Majesty the Emperor of China, Their Excellencies Shen, Mao, Tung, Ch'eng and Hsia, Members of the Tsung-li Yamên.

His Majesty the King of Spain, Don Carlos Antonio de España, His Minister Plenipotentiary to China, Annam, and Siam, Grand Cross of the Royal Order of Isabella the Catholic, etc., etc., who have agreed to all the articles which follow:—

ART. I.—The High Contracting Parties hereby agree that the Emigration Article of 10th October, 1864, becomes and is hereby abrogated. Only the stipulation in the said article concerning the delivery by the authorities of those who are claimed as deserters, criminals, and accused one's remains in force.

ART. II.—The difficulties to which the application of the dispositions of the Treaty of Tientsin regarding the emigration gave rise having been dispersed, the two Governments renounce each for itself every pecuniary indemnity.

ART. III.—It is agreed between the two High Contracting Parties that the emigration of their respective subjects, whether accompanied by their families or not, shall be in future free and voluntary; they disapprove of every act of violence or trickery which might be committed in the ports of China or anywhere else for the purpose of expatriating Chinese subjects against their will.

The two Governments engage themselves to pursue with all the rigour of the laws any contravention of the preceding stipulation and to impose penalities established by their respective legislatures upon the persons and ships who may violate this stipulation.

The Government of His Majesty the King of Spain engages itself to that of China to treat the Chinese subjects staying now in Cuba, or who may come thereafter, on the same footing as the foreigners there of the same category and subjects of the most favoured nation.

ART. IV.—The Government of His Majesty the Emperor of China will authorize the departure of the emigrants of both sexes at their own expense for the island of Cuba from all parts ef the Empire open to foreign trade; they engage themselves not to place any impediment to the free emigration of Chinese subjects and to forbid the authorities of the said port, and principally the Customs Taotais, to raise difficulties, be it either towards the freight or placement of the ships under any flag whatever destined to the transport of Chinese passengers, or towards the operations of the shipowners, or agents, provided always that they conform themselves to the stipulations of the present Convention.

ART. V.—It is well understood that the Customs Taotais and the Chinese Authorities of the open ports will have the right to inform themselves whether the emigration is effected according to the spirit and the terms of the present convention.

The Customs Taotais will prepare printed passsports, with which they will provide every emigrant who has decided to ship himself. These passports have to be *visé́d* by the Consul of Spain in the port of departure and will be handed over to the Chinese Consul by the competent authorities of the island of Cuba on the arrival of the ship carrying emigrants.

The Customs Taotai of the port of departure of the ship carrying emigrants will moreover have the right to nominate Chinese delegates, who, together with those chosen by the Consul of Spain, will go on board of the ships ready for departure in order to ascertain that the passengers embarked leave by their own free will and accord.

Those passengers who in the moment of departure are found not carrying the necessary documents are to be landed at once. In any case, on the arrival of a ship at her destination, when passengers are found having no document, the Spanish Authorities can, in accord with the Consuls of China, adopt such measures as they see fit for the occasion.

In order that the visit of the delegates above-mentioned can take place and have an effective result, the captain or shipowner will be bound to declare in advance the hour of the departure of the ship.

It the captain of a ship which carries emigrants does not submit to this condition and if he declares his intention of leaving previously to the visit of the delegates, the Consul of Spain, after an official communication having been made to him to this effect, must refuse to him the delivery of the ship's papers, and the ship will be detained and treated according to the laws of her country, until all the formalities prescribed by the present Convention have been duly complied with.

ART. VI.—The Government of His Majesty the Emperor of China will nominate a Consul-General in Havana, and will have also the right to nominate Consular Agents in all the towns where the Spanish Government admit those of other nations.

It is well understood that these nominations will be made according to the conditions agreed upon by common accord between the high contracting parties.

The Spanish Government will grant to the Chinese Consuls the same prerogatives as those which the Consuls of other nations residing in Cuba enjoy.

The local authorities in Cuba will accord to the Consul-General as well as to the Consuls and Vice-Consuls of China all the facilities connected with the exercise of their functions for placing them in communication with their nationals and for giving them the means of affording protection to those who are entitled to it.

ART. VII.—Chinese subjects can leave the island of Cuba whenever they wish, provided that they are under judicial pursuance.

Moreover, in order to facilitate the free circulation and settlement of the Chinese subjects in Cuba, and in order that they may enjoy the rights which are given to them by Art. III of the Convention, the Spanish Government, together with the Chinese Representative in Madrid or the Authorities in Havana, together with the Consul-General of China, will establish regulations, which, without deviating from the existing laws of the public good order and peace or from those which might be established in future, will grant to the Chinese subjects treatment equal to that of foreigners of the same category and subjects of the most favoured Power.

The Spanish Authorities have besides to deliver to the Chinese subjects a pass of circulation similar to those with which other foreigners are furnished.

ART. VIII.—Chinese subjects will have the faculty to appeal to the Spanish tribunals in order to defend or pursue their rights; they will in this respect enjoy the same rights and privileges as the subjects of the most favoured nation.

Chinese subjects will have the faculty to be accompanied to the tribunals by lawyers and interpreters, be they Spaniards or foreigners, who according to the Spanish law, are qualified to be present at the sitting of the tribunals and who could be designated by the Chinese Consuls residing on the island of Cuba.

The complaints which Chinese subjects actually residing on the island of Cuba have to forward in regard to ill-treatment, which they pretend to have suffered previously to the exchange of the ratifications of the present Convention, will be examined by the Spanish tribunals and judged equitably in the same manner as it is the practice to do in regard to the subjects of the most favoured nation.

ART. IX.—The Consul-General of China in Havana and the competent authorities on the island of Cuba will establish, as speedily as possible and in common accord, the regulations which the Chinese emigrants actually residing in Cuba, and those who may hereafter arrive, ought to observe in order to obtain a certificate stating their entry in the register kept by the Chinese Consuls. The Chinese Consuls will deliver to them a certificate of registration, which will be *viséd* by the Superintendent of Police, or any other competent authority in the district, town, or plantation of the prefecture where the emigrant will establish his residence.

The authorities of Cuba will communicate to the Chinese Consuls all the information concerning the number and names of the Chinese subjects in the different localities of the island and will enable them to obtain the means to personally ascertain the state of the Chinese engaged as labourers on the plantations.

ART. X.—Ships of whatever nation wishing to carry Chinese emigrants must, besides conforming themselves to the stipulations of the present Convention also submit themselves to the regulations of their country regarding the carrying of passengers, of provisions, and health.

It they do not obey these two conditions they shall then not be allowed to carry emigrants.

ART. XI.—The Government of His Majesty the King of Spain desiring to give to the Government of His Majesty the Emperor of China a proof of friendship and good will, engages itself to send home

at its own expense as soon as the present Convention shall be ratified, those Chinese who actually can be found on the island of Cuba, who formerly made in China literary studies their vocation, also those who had an official rank, and individuals who belong to families of these categories. Their repatriation will be effected according to the information given by the Chinese Consular Agents and duly verified by the Spanish Authorities.

Likewise will be repatriated old persons prevented by age from working and who may ask to go back to China, also all Chinese female orphans not married and who may wish to return to their country.

ART. XII.—The Spanish Government will order the masters of those Chinese emigrants whose contracts have expired and who according to the terms of those contracts have the right of returning home, to fulfil the obligations which they have contracted with the emigrants.

Concerning those who have fulfilled their engagements but who have no right to be sent home at the expense of their masters, and who are without means to maintain themselves, the local authorities will together with the Chinese Consuls in Cuba adopt the measures which they think necessary for repatriating them.

The emigrants at present residing on the island of Cuba and whose contracts are expiring, will receive, as soon as the present Convention comes into force, a certificate in which it will be stated that they have fulfilled their engagements; by this they will obtain the right of enjoying all the advantages secured to other Chinese according to regulations mentioned in Art. VII of the present Convention, and will be free either to remain on or to leave the island of Cuba.

ART. XIII.—The authorities of the island of Cuba can, if the circumstances demand it and regardless of the regulations already mentioned, oppose themselves to the movements and the residence of Chinese subjects in all the localities where they think convenient, if for special reasons they find that the accumulation of the individuals in the respective localities might be detrimental to the preservation of public order. In such cases the local authorities will observe towards Chinese subjects the same rules as towards other foreigners, and will communicate to the Consul of China the decision they have taken.

ART. XIV.—The labourers who have still obligations to perform according to the terms of their contracts, must under any condition fulfil the obligations, but they will enjoy, regarding certificates, etc, the benefits which will be accorded to their countrymen recently landed or to those whose engagements have expired.

Likewise all the Chinese subjects who might have been detained in the Government depôts on the island of Cuba will be set at liberty as soon as the present Convention comes into force; they will be furnished with such documents as the regulations provide for, and treated in the same way as other Chinese.

From the preceding clause are excepted all those who are found in the Government prisons either in consequence of a judgment or an accusation.

ART. XV.—The Government of His Majesty the Emperor of China and the Government of His Majesty the King of Spain agree that if hereafter one of them thinks it convenient to make modifications of some of the articles of the present Convention or to cancel them, negotiations to this effect can only be opened at the expiration of at least one year after the notification of such wish shall have been made by one of the high contracting parties to the other.

It is also understood that, if hereafter the Chinese Government shall grant to any other Power advantages not mentioned in the present Convention regarding the emigration of Chinese subjects, such advantages will also be acquired by the Spanish Government.

ART, XVI.—The present Convention will be ratified and the ratifications exchanged in Peking within a period of eight months, or sooner if possible.

The present Convention is made in Spanish, French, and Chinese languages, in two copies, which have been compared and found correct.

Signed and sealed, on the 13th day of the 10th moon of the 3rd year of Kwang Sü (17th November, 1877).

[L.S.]	(Signed)	CARLOS ANTONIO DE ESPAÑA.
[L.S.]	(Signed)	SHEN.
	(Signed)	MAO.
	(Signed)	TUNG.
	(Signed)	CH'ENG.
	(Signed)	HSIA.

THE CHUNGKING AGREEMENT.

ADDITIONAL ARTICLE TO THE AGREEMENT BETWEEN GREAT BRITAIN AND CHINA OF 13TH SEPTEMBER, 1876.

Signed at Peking, 31st March, 1890.
Ratifications Exchanged at Peking, 18th January, 1890.

The Governments of Great Britain and China, being desirous of settling in an amicable spirit the divergence of opinion which has arisen with respect to the first clause of the third section of the Agreement concluded at Chefoo in 1876, which stipulates that "The British Government will be free to send officers to reside at Chungking to watch the conditions of British trade in Szechuan, that British merchants will not be allowed to reside at Chungking, or to open establishments or warehouses there, so long as no steamers have access to the port, and that when steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration," have agreed upon the following Additional Article:—

ART. I.—Chungking shall forthwith be declared open to trade on the same footing as any other Treaty port. British subjects shall be at liberty either to charter Chinese vessels or to provide vessels of the Chinese type for the traffic between Ichang and Chungking.

ART. II.—Merchandize conveyed between Ichang and Chungking by the above class of vessels shall be placed on the same footing as merchandize carried by steamer between Shanghai and Ichang, and shall be dealt with in accordance with Treaty, Tariff Rules, and the Yangtsze Regulations.

ART. III.—All regulations as to the papers and flags to be carried by vessels of the above description, as to the repackage of goods for the voyage beyond Ichang, and as to the general procedure to be observed by those engaged in the traffic between Ichang and Chungking with a view to insuring convenience and security, shall be drawn up by the Superintendent of Customs at Ichang, the Taotai of the Ch'uan Tung Circuit, who is now stationed at Chungking, and the Commissioners of Customs in consultation with the British Consul, and shall be liable to any modifications that may hereafter prove to be desirable and may be agreed upon by common consent.

ART. IV.—Chartered junks shall pay port dues at Ichang and Chungking in accordance with the Yangtsze Regulations; vessels of Chinese type, if and when entitled to carry the British flag, shall pay tonnage dues in accordance with Treaty Regulations. It is obligatory on both chartered junks and also vessels of Chinese type, even when the latter may be entitled to carry the British flag, to take out at the Maritime Custom-house special papers and a special flag when intended to be employed by British subjects in the transport of goods between Ichang and Chungking, and without such papers and flags no vessels of either class shall be allowed the privileges and immunities granted under this Additional Article. Provided with special papers and flag, vessels of both classes shall be allowed to ply between the two ports, and they

and their cargoes shall be dealt with in accordance with Treaty Rules and the Yangtsze Regulations. All other vessels shall be dealt with by the Native Customs. The special papers and flag issued by the Maritime Customs must alone be used by the particular vessel for which they were originally issued, and are not transferable from one vessel to another. The use of the British flag by vessels the property of Chinese is strictly prohibited. Infringement of these Regulations will, in the first instance, render the offender liable to the penalties in force at the ports hitherto opened under Treaty, and should the offence be subsequently repeated, the vessel's special papers and flag will be withdrawn, and the vessel herself refused permission thenceforward to trade between Ichang and Chungking.

ART. V.—When once Chinese steamers carrying cargo run to Chungking, British steamers shall in like manner have access to the said port.

ART. VI.—It is agreed that the present Additional Article shall be considered as forming part of the Chefoo Agreement, and as having the same force and validity as if it were inserted therein word for word. It shall be ratified, and the ratifications exchanged at Peking, and it shall come into operation six months after its signature, provided the ratifications have then been exchanged, or if they have not, then on the date as which such exchange takes place.

Done at Peking in triplicate (three in English and three in Chinese), this thirty-first day of March, in the year of our Lord one thousand eight hundred and ninety, being the eleventh day of the second Intercalary moon of the sixteenth year of Kuang Hsü.

[L.S.] (Signed) JOHN WALSHAM.

[L.S.] (Signature of CHINESE PLENIPOTENTIARY).

THE SIKKIM TREATY.

Signed at Calcutta, 17th March, 1890.

Ratified at London, 17th August, 1890.

ART. I.—The boundary of Sikkim and Thibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Thibetan Machu and northwards into other rivers of Thibet. The line commences at Mount Gipmochi on the Bhutan frontier, and follows the above-mentioned water-parting to the point where it meets Nepaul territory.

ART. II.—It is admitted that the British Government, whose protectorate over the Sikkim State is hereby recognised, has direct and exclusive control over the internal administration and foreign relations of that State and except through and with the permission of the British Government neither the ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

ART. III.—The Government of Great Britain and Ireland and the Government of China engage reciprocally to respect the boundary as defined in Article I, and to prevent acts of aggression from their respective sides of the frontier.

ART. IV.—The question of providing increased facilities for trade across the Sikkim-Thibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by the high contracting powers.

ART. V.—The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.

ART. VI.—The high contracting powers reserve for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Thibet shall be conducted.

ART. VII.—Two Joint Commissioners shall within six months from the ratification of this Convention be appointed, one by the British Government in India, the other by the Chinese resident in Thibet. The said Commissioners shall meet and discuss the questions which by the last three preceding articles have been reserved.

ART. VII.—The present Convention shall be ratified, and the ratifications shall be exchanged in London, as soon as possible after the date of the signature thereof.

Dated Calcutta, 17th March, 1890.

FRANCE.

CONVENTION COMPLÉMENTAIRE DE LA CONVENTION ADDITIONNELLE DE COMMERCE DU 26 JUIN, 1887, ENTRE LA FRANCE ET LA CHINE.

(Ratification échangées à Pékin, 7 août, 1896.)

Plenipotentiaries

Le Président de la République Française et Sa Majesté l'Empereur de Chine, désireux de favoriser et d'étendre, sur la frontière sino-annamite désormais délimitée jusqu'au Mékong, le développement des relations commerciales entre les deux pays et d'assurer la bonne exécution du Traité de commerce signé à Tientsin le 25 Avril, 1886, ainsi que de la Convention additionnelle signée à Pékin le 26 Juin, 1887, ont décidé de conclure une Convention complémentaire contenant plusieurs dispositions nouvelles et modifiant quelques-unes des dispositions insérées dans les précédents actes.

A. Gérard

A cet effet, les deux Hautes Parties Contractantes ont nommé pour leurs plénipotentiaires respectifs, savoir:

Le Président de la République Française, Monsieur Auguste Gérard, ministre plénipotentiaire, envoye extraordinaire de la République Française en Chine, officier de la Légion d'honneur, grand-croix de l'ordre de l'Indépendance du Monténégro, grand-officier de l'ordre royal de Charles III d'Espagne, grand-officier de l'ordre royal de la Couronne d'Italie, etc., etc., etc., et

Prince K'ing.

Sa Majesté l'Empereur de Chine, Son Altesse le prince K'ing prince du premier rang, president du Tsong-li Yamen, etc., etc., etc.,

et

Siu Yong-yi.

Son Excellence Siu Yong-yi, membre du Tsong-li Yamen et du Grand conseil de l'Empire, vice-président de gauche au ministère de l'intérieur, etc., etc., etc.,

Lesquels, après s'être communiqué leurs pleins pouvoirs, qu'ils ont reconnus en bonne et due forme, sont convenus des articles suivants:

Consular officer to reside at Tong-hing.

ART. I.—Il est convenu, pour assurer la police de la frontière, que le Gouvernement Français aura le droit d'entretenir un agent d'ordre consulaire à Tong-hing, en face de Moncay, sur la frontière du Kouang-tong.

Un réglement ultérieur déterminera les conditions dans lesquelles devra s'exercer, d'accord entre les autorités françaises et chinoises, la police commune de la frontière sino-annamite.

ART. II.—L'article II de la Convention additionnelle signée à Pékin le 26 Juin, 1887, est modifié et complété ainsi qu'il suit:

Il est convenu entre les Hautes Parties Contractantes que la ville de Long-tcheou, au Kouang-si, et celle de Mongtse, au Yun-nan, sont ouvertes au commerce franco- annamite. Il est entendu, en outre, que le point ouvert au commerce sur la route fluviale de Lao-kai, à Mong-tse est non plus Man-hao, mais Ho-k'eou et que le Gouvernement Français aura le droit d'entretenir à Ho-k'eou un agent relevant du consul de Mongtse, en même temps que le Gouvernement Chinois y entretiendra un agent des douanes.

Treaty Ports; Lungchow, Mengtsze, Ho-'kow (on Red River.)

ART. III.—Il est convenu que la ville de Sse-mao, au Yun-nan, sera ouverte au commerce franco-annamite comme Long-tcheou et Mong-tse et que le Gouvernement Français aura le droit, comme dans les autres ports ouverts, d'y entretenir un consul, en même temps que le Gouvernement Chinois y entretiendra un agent des douanes.

Also Szemao.

Les autorités locales s'emploieront à faciliter l'installation du consul de France dans une résidence honorable.

Les Français et protégés français pourront s'établir à Sse-mao dans les conditions prévues par les articles VII, X, XI, XII, et autres du Traité du 27 Juin, 1858, ainsi que par l'article III de la Convention du 25 Avril, 1886.

Les marchandises à destination de Chine pourront être transportées les routes de terre et notamment par la route mandarinale qui conduit soit de Mong-lé, soit d'I-pang, à Sse-mao et P'ou-eul, les droits dont des marchandises seraient passibles devant être acquittés à Sse-mao.

ART. IV.—L'article IX de la Convention commerciale du 25 Avril, 1886, est modifié ainsi qu'il suit:

I.—Les marchandises chinoises transitant de l'une à l'autre des quatre villes ouvertes au commerce sur la frontière, Long-tcheou, Mong-tse, Sse-mao et Ho-k'eou, en passant par l'Annam, paieront, à la sortie, le droit réduit des quatre dixièmes. Il leur sera délivré un certificat spécial constatant le paiement de ce droit et destiné à accompagner la marchandise. Lorsque celle-ci sera parvenue dans l'autre ville, sera exemptée du paiement du droit d'importation.

Chinese produce liable to 4/10ths tariff duty only between Frontier Ports.

2.—Les marchandises chinoises qui seront exportées des quatre localité désignées ci-dessus et transportées dans les ports chinois, maritimes ou fluviaux, ouverts au commerce, acquitteront, à la sortie par la frontière, le droit d'exportation réduit des quatre dixièmes. Il leur sera délivré un certificat spécial constatant le paiement de ce droit et destiné à accompagner la marchandise. Lorsque celle-ci sera parvenue dans un des ports, maritimes ou fluviaux, ouverts au commerce, elle aura à acquitter le demi-droit de réimportation, conformément à la règle générale pour toutes les marchandises semblables dans les ports, maritimes ou fluviaux, ouverts au commerce.

On entering other Ports, half duty will be payable in addition.

3.—Les marchandises chinoises qui seront transportées des ports chinois, maritimes ou fluviaux, ouverts au commerce, par la voie de l'Annam, vers les quatre localités désignées ci-dessus acquittront, à la sortie, le droit enter. Il leur sera délivré un certificat spécial constatant le paiement de ce droit et destiné à accompagner la marchandise.

Chinese produce entering a Frontier Port from China will only pay a half frontier duty (*i.e.*, 2/10ths.)

Lorsque celle-ci sera parvenue à l'une des douanes de la frontière, elle acquittera, à l'entrée, un demi-droit de réimportation basé sur la réduction de quatre dixièmes.

4.—Les marchandises chinoises sus-mentionnées et qu'accompagnera le certificat spécial prévu plus haut seront, avant le passage en douane à l'exportation, ou après le passage en douane à la réimportation, soumises aux règlements régissant les marchandises natives chinoises.

Chinese produce in transit subject to usual rules.

Opening of Mines —French skilled assistance may be applied for. Railway lines may enter China.

ART. V.—Il est entendu que la Chine, pour l'exploitation de ses mines dans les provinces du Yun-nan, du Kouang-si et du Kouang-tong, pourra s'adresser d'abord à des industriels et ingénieurs français, l'exploitation demeurant, d'ailleurs, soumise aux règles éditées par le Gouvernement Impérial en ce qui concerne l'industrie nationale.

Il est convenu que les voies ferrées, soit déjà existantes, soit projetées en Annam pourront, après entente commune et dans des conditions à définir, être prolongées sur le territoire chinois.

ART. VI.—L'article II de la Convention télégraphique entre la France et la Chine, signée à Tche-fou le 1er Décembre, 1888, est complété ainsi qu'il suit :

Telegraph line to connect Szemao and Annam.

D.—Un raccordement sera établi entre la préfecture secondaire de Sse-mao et l'Annam par deux stations qui seront Sse-mao, en Chine, et Muong-ha-hin (Muong-ngay-neua), placé, en Annam, à mi-chemin de Lai-chau et de Luang-prabang.

Les tarifs seront fixés conformément à l'article VI de la Convention télégraphique de Tche-fou.

Privileges of this Convention confined to Frontier Ports of Trade.

ART. VII.—Il est convenu que les stipulations commerciales contenues dans la présente Convention étant d'une nature spéciale et le résultat de concessions mutuelles déterminées par les nécessités des relations entre Long-tcheou, Ho-k'eou, Mong-tse, Sse-mao et l'Annam, les avantages qui en résultent ne pourront être invoqués par les sujets et protégés des deux Hautes Parties Contractantes que sur les points, ainsi que par les voies fluviales et terrestres, ici déterminés de la frontière.

Articles to take effect as with the Convention of June, 1887.

ART. VIII.—Les présentes stipulations seront mises en vigueur comme si elles étaient insérées dans le texte même de la Convention additionnelle du 26 juin, 1887.

Past Treaties, etc., confirmed.

ART. IX.—Les dispositions des anciens traités, accords et conventions entre la France et la Chine, non modifiées par le présent traité, restent en pleine vigueur.

La présente Convention complémentaire sera ratifiée, dès à présent, par Sa Majesté l'Empereur de Chine et, après qu'elle aura été ratifiée par le Président de la République Française, l'échange des ratifications se fera à Pékin dans le plus bref délai possible.

Signed at Peking 10th June, 1895.

Fait à Pékin, en quatre exemplaires, le vingt juin mil huit cent quatre-vingt-quinze, correspondant au vingt-huitième jour de la cinquième lune de la vingt et unième année Kouang-siu.

[L.S.] Signé: A. GÉRARD.

[L.S.] Signatures du PRINCE K'ING et de SIU YONG-YI.

CONVENTION COMPLÉMENTAIRE DE LA CONVENTION DE DÉLIMITATION DE LA FRONTIÈRE ENTRE LE TONKIN ET LA CHINE DU 26 JUIN, 1887.

(Ratification échangées à Pékin, 7 août, 1896.)

Les commissaires nommés par les deux Gouvernements pour reconnaître la dernière partie de la frontière entre la Chine et le Tonkin (du Fleuve rouge au Mékong) ayant termine leurs travaux.

Monsieur Auguste Gérard, ministre plénipotentiaire, envoyé extraordinaire de la République Française en Chine, officier de la Légion d'honneur, grand-croix de l'ordre de l'Indépendance du Monténégro, grand-officier de l'ordre royal de Charles III d'Espagne, grand-officier de l'ordre royal de la Couronne d'Italie, etc., etc., etc., d'une part,

et

Son Altesse le prince K'ing, prince du premier rang, président du Tsong-li Yamen, etc., etc., etc., et

Son Excellence Siu Yong-yi, membre du Tsong-li Yamen et du Grand conseil de l'Empire, vice-président de gauche au ministère de l'intérieur, etc., etc., etc., d'autre part,

Agissant au nom de leurs Gouvernements respectifs et munis à cet effet de pleins pouvoirs qu'ils ont, après communication, reconnus être en bonne et due forme, ont décidé de consigner dans le présent acte les dispositions suivantes destinées à rectifier et compléter la convention signée à Pékin le 26 Juin, 1887, les procès-verbaux et les cartes qui ont été dressés et signés par les commissaires français et chinois étant et demeurant approuvés.

Tonkin-China frontier; rectification of 2nd Section:

I.—Le tracé de la frontière entre le Yun-nan et l'Annam (carte de la deuxième section) du point *R* au point *S*, est modifié ainsi qu'il suit:

"La ligne frontière part du point *R.* se dirige au nord-est jusqu'à "Man-mei, puis de Man-mei, et suivant la direction ouest-est, jusqu'à "Nan-na, sur le Ts'ing-chouei-ho, laissant Man-mei à l'Annam et les "territoires de Mong-t'ong-chang-ts'ouen, Mon-t'ong-chan, Mong-t'ong-"tchong-ts'ouen, Mong-t'ong-hai-ts'ouen à la Chine."

II.—Le tracé de la cinquième section entre Long-po-tchai et la Rivière noire est modifié ainsi qu'il suit:

Of 5th Section:

"A partir de Long-po-tchai (cinquième section), la frontière "commune du Yun-nan et de l'Annam remonte le cours du Long-po-ho "jusqu'à son confluent avec le Hong-yai-ho, au point marqué *A* sur la "carte. Du point *A*, elle suit la direction générale nord-nord-ouest et "la chaine de partage des eaux jusqu'au point où le P'ing-ho prend sa "source.

"De ce point, la frontière suit le cours du P'ing-ho, puis celui du "Mou-k'i-ho jusqu'à son confluent avec le Ta-pao-ho, qu'elle suit jusqu'à "son confluent avec le Nan-kong-ho, puis le cours du Nan-kong-ho "jusqu'à son confluent avec le Nan-na-ho.

"La frontière remonte ensuite le cours du Pa-pao-ho jusqu'à son "confluent avec le Kouang-sse-ho, puis le cours du Kouang-sse-ho et "suit la chaîne de partage des eaux jusqu'au confluent du Nam-la-pi et "du Nam-la-ho, enfin le Nam-la-ho jusqu'à son confluent avec la Rivière "noire, puis le milieu de la Rivière noire jusqu'au Nam-nap, ou "Nam-ma-ho."

Of Yünnan and Annam (Red River) Section.

III.—La frontière commune du Yun-nam et de l'Annam entre la Rivière noire, à son confluent avec le Nam-nap, et le Mékong est tracée ainsi qu'il suit :

" A partir du confluent de la Rivière noire et du Nam-nap, la " frontière suit le cours du Nam-nap jusqu'à sa source, puis, dans la " direction sud-ouest et ouest, la chaine de partage des eaux jusqu'aux " sources du Nam-kang et du Nam-wou.

" A partir des sources du Nam-wou, la frontière suit la chaîne de " partage des eaux entre le bassin du Nam-wou et le bassin du Nam-la, " laissant à la Chine, à l'ouest, Ban-noi, I-pang, I-wou, les Six montagnes " à thé et à l'Annam, à l'est, Mong-wou et Wou-te et la confédération " des Hua-panh-ha-tang-hoc. La frontière suit la direction nord-sud, " sud-est jusqu'aux sources du Nan-ouo-ho, puis elle contourne, par la " chaîne de partage des eaux, dans la direction ouest-nord-ouest, les " vallées du Nan-ouo-ho et des affluents de gauche du Nam-la, jusqu'au " confluent du Mékong et du Nam-la, au nord-ouest de Muong-poung. " Le territoire de Muong-mang et de Muong-jouen est laissé à la Chine. " Quant au territoire des Huit sources salées (Pa-fa-tchai), il demeure " attribué à l'Annam.'.

Delimitation to be effected as arranged.

IV.—Les agents, commissaires ou autorités désignés par les deux Gouvernements seront chargés de procéder à l'abornement conformément aux cartes dressées et signées par la commission de délimitation et au tracé ci-dessus.

V.—Les dispositions concernant la délimitation entre la France et la Chine, non modifiées par le présent acte, restent en pleine vigueur.

La présente Convention complémentaire, ainsi que la Convention de délimitation du 26 Juin, 1887, sera ratifiée dès à présent par Sa Majesté l'Empereur de Chine et, après qu'elle aura été ratifiée par le Président de la République Française, l'échange des ratifications se fera à Pékin dans le plus bref délai possible.

Signed at Peking 20th June, 1895.

Fait à Pékin, en quatre exemplaires, le vingt juin mil huit cent quatre-vingt-quinze, correspondant au vingt-huitième jour de la lune de la vingt et unième année Kouang-siu.

[L.S.] Signé : A. GÉRARD.

[L.S.] Signatures du PRINCE K'ING et de SIU YONG-YI.

REGULATIONS.

REGULATIONS RELATING TO TRANSIT DUES, EXEMPTION CERTIFICATES, AND COAST TRADE.

Published under authority from the Hon. F. W. A. Bruce, C.B., H.B.M. Minister Plenipotentiary in China, at Shanghai, 30th October, 1861.

I.—Transit Dues.

§ 1.—It is at the option of the British merchant to clear foreign imports to an inland market, or native produce to a port of shipment, either by payment of the different charges demanded at the Inland Custom-house, or by one payment of a half-Tariff duty as provided in Tariff Rule 7.

§ 2.—In the case of native produce the memorandum to be presented at the first inland barrier may be there deposited by the merchant himself or his agent, native or foreign; but whereas it is alleged that both native and foreign transit dues have been totally evaded by the sale of produce *in transitu* after entry at a barrier as for shipment at a Treaty port, the memorandum tendered must be in the form of a Declaration, signed by the firm or merchant interested, and to the effect that the produce therein specified and entered on ——— date, at ——— barrier for shipment at ——— port, is the property of the undersigned firm or merchant, and that the said firm or merchant engages to pay the half-Tariff transit dues thereon.

This form will be provided gratis by the Maritime Customs at every Treaty port, and issued on the Consul's application by the Superintendent of Customs.

§ 3.—Native produce carried inwards from a port cannot be cleared by a transit duty certificate, whether in charge of native or foreigner; it is liable to all charges imposed on goods *in transitu* by the Provincial Governments through whose jurisdiction it passes.

§ 4.—Foreign imports not protected by transit duty certificates are liable to the same charges.

§ 5.—No transit duty is leviable on foreign imports or native produce carried up or down the Yang-tze Kiang between Shanghai and the ports on that river now open under provisional rules; but foreign imports carried inland from either of these ports, or from the interior to either of these ports, pay foreign or native transit duties, according as they are certificated or uncertificated.

II.—Exemption Certificates.

The exemption certificate protects duty-paid foreign imports re-exported to any port in China, against all further exaction of duty by the Maritime Customs. Native produce carried coastwise must be accompanied by a certificate that the export duty has been paid at the port of shipment; and on leaving the second port for a third or fourth port, by a certificate that the coast trade duty, as below defined, has been paid at the second port. This latter certificate will be granted by the Customs, if the condition of the produce imported remains unchanged, and will exempt the produce it covers from all further exaction of duty by the Maritime Customs.

III.—Coast Trade Duty.

§ 1.—Native produce carried coastwise pays full export duty at the port of shipment; and, at the port of entry, coast-trade duty, the amount of which is declared to be half-import duty.

§ 2.—If the produce in question be entered at the second port as for re-exportation to a foreign market, the payment of coast-trade duty is to be regarded as a deposit during a term of three months, before expiry of which the produce must be reshipped for a foreign port; and the merchant will thereupon immediately recover the amount of the coast-trade duty lodged with the Customs. If the term expire without shipment of the produce, the said amount will be carried to the account of Customs revenue, and the produce, if subsequently shipped to a foreign port, will pay a full export duty.*

§ 3.—If the produce, though shipped within the term allowed, be found to have been subjected to unauthorized changes of quality, condition, etc., the coast-trade duty lodged will not be returned, and an export duty, as upon all other produce leaving the port, will be levied.

§ 4.—If, on arrival of the produce at the port of entry, loss of the export duty certificate be alleged, the export duty can be lodged with the Customs until the Customs authorities shall ascertain the fact from those of the port of shipment.

§ 5.—Native produce, accompanied by a certificate that the coast-trade duty has been paid at the second port, may be carried to any other port or ports in China, without payment of further duty to Maritime Customs.†

§ 6.—Native produce carried from Shanghai to Hankow, or Kiukiang, or *vice versâ*, pays a full import or export duty and coast-trade duty. While the river trade continues under the Provisional Rules now in force, these duties will be levied at Shanghai. If the produce in question be entered for re-export to a foreign port the coast-trade duty will be deposited and refunded as provided in clause 2 of this Rule.

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* Note.—The term of three months prescribed in the above Rule for the validity of the coast-trade drawback certificate, was extended, by agreement, to twelve months fn June, 1863. See Belgian Treaty, Art. 34: and Danish Treaty, Art. 44.

† Note.—In June, 1863, it was decided that in lieu of the certificate referred to in § 5, a drawback certificate for the coast-trade duty paid at the port of shipment should be issued there.

REGULATIONS FOR NAVIGATION AND TRADE UPON THE RIVER YANG-TSZE.

(*A.*)—PROVISIONAL REGULATIONS, 9TH MARCH, 1861.

NOTIFICATION.

Referring to the Notification of His Excellency the Earl of Elgin and Kincardine, K.T., G.C.B., etc., etc., etc., dated Hongkong, 20th January, 1861, informing Her Majesty's subjects in China of the measures then being taken to give effect to the arrangement concluded between Her Majesty's Plenipotentiary and the Imperial Commissioner, for opening the Yangtsze River to British trade, the undersigned is now authorized by His Excellency the Naval Commander-in-chief to declare the river, above Chinkiang and as far as Hankow, to be open in accordance with that arrangement, to British vessels, under the accompanying Regulations; which are provisional until they have received the sanction of His Excellency the Hon. Mr. Bruce, C.B., and the Peking Government.

His Excellency, the Naval Commander-in-chief, has furnished the undersigned, for the information of Her Majesty's subjects in China, with the annexed extracts of a communication, made by Commander Aplin, of H.M.S. "*Centaur*," on the 1st inst., to the Insurgent authorities at Nanking, and of their reply together with a copy of the Pass to be used by British vessels passing Nanking. It will be observed from this correspondence that the free navigation of the river by British vessels is not to be interfered with by the insurgents, but that all intercourse held with any place in their possession, will be conducted under such conditions as the Insurgent authorities, with the approval of the Senior Naval Officer, shall think proper to prescribe; and the undersigned is further desired to call attention to that regulation of the Insurgent authorities, which is concurred in by the Commander-in-chief, requiring merchant vessels not to approach nearer to Nanking at night than the Pingshan Pagoda, nor to enter at any time the Tsaouhea Creek.

The positions at present selected for Consular establishments on the river above Chinkiang are the cities of Hankow and Kiukiang, and His Excellency, the Naval Commander-in-chief, has stationed vessels of war at these ports, as well as at Chinkiang and Nanking, for the purpose of protecting British interests, and giving due support to Her Majesty's Consuls in the performance of their duties.

(Signed) HARRY S. PARKES.

H.M.S. "*Coromandel*,"
Yang-tsze River, 9th March, 1861.

PROVISIONAL REGULATIONS FOR BRITISH TRADE IN THE YANG-TSZE RIVER.

ART. I.—Every British vessel wishing to proceed up the Yang-tsze River beyond Chinkiang, must apply to the British Consul at Shanghai for a Pass, to be called the "River Pass," authorising the vessel to trade as high as Hankow, which will be issued by the Shanghai Customs, and only by the Customs at that Port, on the application on the Consul, as soon as the Customs are satisfied that all the dues and duties due upon

the vessel and her cargo have been paid. The Consul will deliver the River Pass to the vessel, and will retain in his hands her Register or Sailing Letter, and on the return of the vessel to Shanghai, the River Pass must be surrendered to the Consul and returned to the Customs.

ART. II.—Every vessel proceeding up or down the River, shall be permitted to carry for her protection, such an amount of Arms and Ammunition as shall appear to the Customs at Shanghai to be reasonable, and this amount of Arms and Ammunition shall be entered in a certificate to be called the "Arms Certificate," which shall be delivered by the Customs, through the Consul, to any vessel applying for the same; and the said vessel shall be bound to bring back to Shanghai all the Arms and Ammunition she is thus authorised to carry, or, if she have expended any portion of them during her voyage up or down the River, then to account for the manner in which such portion has been expended. Any vessel returning to Shanghai without any portion of the Arms or Ammunition stated in her Arms Certificate, and being unable to account satisfactorily for such missing portion; or being discovered trafficking in Arms, Munitions or Implements of war, at any Port or place in the River, or carrying any Arms or Munitions in excess of the amount stated in her Arms Certificate, is liable to have her River Pass withdrawn, and to be prohibited from trading upon the River.

ART. III.—The Shanghai Customs may, if they see fit, appoint one or two of their officers to accompany the vessel as far as Chinkiang, and the master of the vessel is bound to receive these officers on board, and to provide them suitable accommodation, but not their food or expenses. Trading of any kind between Shanghai and Chinkiang, being an infraction of Article XLVII of the Treaty of Tientsin, may be punished as is therein provided.

ART. IV—No vessel is allowed to pass Chinkiang without anchoring, and being reported to the British Consul and the Customs at that Port. The master, on arriving at Chinkiang, must deliver to the Consul his River Pass, Arms Certificate, Shanghai Port Clearance, and a list of all passengers and persons not forming part of the registered crew on board, and if he wish to proceed up the River immediately, the Consul will forward all the papers above named to the Customs, who may board and inspect the vessel, and if the Customs have no claim upon the vessel, or there be no cause for her detention, they will at once grant a new Port Clearance, and give this, together with the River Pass and Arms Certificate to the master, who will then be at liberty to continue his voyage. But if the stay of a vessel at Chinkiang exceed twenty-four hours, she must be reported within that time to the British Consul, and by the Consul to the Customs, in the manner provided in Article XXXVII of the Treaty of Tientsin, and a manifest of her cargo and a copy of her passenger list furnished to the Consul; and if she land any portion of her cargo, or take on board any cargo, she must do so in the manner provided in the said Treaty; and the Consul will retain in his possession her River Pass and Arms Certificate, until she receives her Port Clearance from the Custom-house, and is again ready to depart. Any British vessel proceeding up the River above Chinkiang without a River Pass, Arms Certificate, and Chinkiang Port Clearance, duly obtained as provided in these Regulations, commits an infringement of Article XLVII of the Treaty of Tientsin, and is liable to the penalty therein provided.

ART. V.—Every vessel must be reported to the British Consul at Kiukiang and Hankow, within twenty-four hours after her arrival at either of those ports, and the master must lodge in the hands of the Consul the vessel's River Pass, Arms Certificate, and Chinkiang Port Clearance, and must deliver to the Consul a manifest of her inward cargo, and a list of all passengers and persons not forming part of the registered crew on board; and the Consul will retain in his possession the River Pass, Arms Certificate, and Chinkiang Port Clearance, until the vessel is again ready to depart, and until he has received the manifest of her cargo outwards, and a list of all passengers and persons

not forming part of her registered crew, and intending to leave the port in the said vessel; and before returning the said papers to the master, the Consul will endorse on the Chinkiang Port Clearance, the respective dates on which it was lodged in his hands and returned to the master. No report however need be made in the case of a vessel passing Kiukiang without anchoring, nor is it requisite that a vessel passing that Port without discharging or taking in cargo, should deliver a manifest to the Consul.

ART. VI.—Every vessel coming down the river must anchor at Chinkiang, and be reported to the Consul, and cleared by the Customs, in the manner provided in Article IV of these Regulations; and the Customs may, if they see fit, appoint one or two of their Officers to accompany the vessel to the port of Shanghai, where the vessel is bound to proceed, without touching at any other port or place, and these Customs officers must be received on board, and treated in the manner provided in Article III of these Regulations.

ART. VII.—The Payment of all Import and Export duties due by all British vessels, duly authorised to trade on the River above Chinkiang, being secured to the Chinese Government by Articles I, IV, and VI of these Regulations, Articles XXXVIII, XXXIX, XL, and XLI of the Treaty of Tientsin will not apply to such vessels, after they have passed Chinkiang inwards, and any vessel so authorised may therefore discharge or load legal merchandise, at ports or places on the river above Chinkiang, without being required to obtain Custom-house permits, or to pay Export duties until the vessel returns to Shanghai.

ART. VIII.—The manifests of Cargo that are to be delivered to Her Majesty's Consuls at the various ports, as provided in these Regulation, must be made out in the form of a summary, stating the quantity of each description of goods on board, either in dimensions, weight, or value as the case may be.

ART. IX.—The breach of any of these Regulations may be punished by the withdrawal from a vessel of her River Pass, and by prohibiting her from further trading on the river, and if this penalty be awarded when on the river, she may be sent or taken to Shanghai, and also, and in addition to the preceding penalty, by any other pains or penalties that may be incurred by the same offence for a breach of Treaty. And it shall be competent for any of Her Majesty's Consuls to detain any vessel trading on the river under these Regulations, against which any other complaint or claim may at any time be laid, until the same shall have been heard and determined by the Consul, and his judgment carried into execution.

ART. X.—These Regulations may at any time be suspended or annulled, added to or amended as, and in whatever way, may be judged expedient by H. B. Majesty's Minister Plenipotentiary in China, and the High Chinese authorities in communication together.

(Signed) HARRY S. PARKES.

(B.)—REVISED PROVISIONAL REGULATIONS FOR BRITISH TRADE ON THE RIVER YANGTSZE.

Published, 5th December, 1861.

These Regulations were as follows:—

ARTICLES I to VI, same as in Regulations of March 9, 1861.

ART. VII.—River steamers trading on the Yangtsze authorized to load or discharge at Hankow or Kiukiang without applying for Customs' permits, or paying duties, until their return to Shanghai.

ARTICLES VIII and IX as before.

ART. X.—(A.)—Oil, hemp, steel, iron, provisions, timber, and copper cash may be transported under the following conditions:—

The shipper shall give notice of the quantity he desires to ship, and of the port of its destination, and shall bind himself by a bond, such shipper being agent of a mercantile firm established in China, or, if not so, by a bond, with two sufficient sureties, to the value of the quantity shipped, to return, within three months from the date of shipment, to the Collector at that port of shipment, a certificate to be issued by him, with an acknowledgment thereon of the discharge of the cargo specified at the port of destination, subscribed and sealed by the Collector at the latter port, or, failing the due return of this certificate, to forfeit a sum equal in value to that of the goods shipped; and the vessel concerned will be deprived of the River Pass, and prohibited from farther trading on the river.

(B.)—In the case of native junks chartered or purchased by British subjects to convey produce to or from ports on the Yang-tze Kiang, the Customs at the port of departure shall, on application of the Consul, issue to the party concerned a special junk-pass. But the said party must deposit with the Customs a bond, such party being agent of a mercantile firm established in China, or, if not so, a bond, with two sufficient sureties, to the value of the vessel and cargo, to return, within two months from the date of this bond, to the Collector at the port of departure, the junk-pass issued by him, with an acknowledgment thereon, subscribed and sealed by the Collector of the port of destination, of the arrival of the junk and discharge of her cargo, or, failing the due return of this certificate, to forfeit the sum specified in the bond, or deposited with the Customs.

These Regulations may at any time be suspended or annulled, etc., etc., (Same as Art. X of Regulations of 9th March, 1861.

(C.)—REVISED REGULATIONS OF TRADE ON THE YANG-TSZE KIANG.

NOTIFICATION.

BRITISH LEGATION,
Peking, 10th November, 1861.

The undersigned is directed to give notice that the Chinese Government, having decided on opening Custom-houses at Hankow and Kiukiang, has communicated to the Hon. F. Bruce, C.B., Her Britannic Majesty's Envoy Extraordinary and Chief Superintendent of British Trade in China, a draft of revised regulations under which, until these ports shall be declared open by Treaty, trade with them is to be carried on.

The provisional regulations of the 5th December, 1861, will therefore continue in force only until the 1st of January, 1863, on which day the revised regulations published below will come into operation. From and after that date, any violation of them by vessels entering the river, will be punished by the penalties the revised regulations provide.

By order,

(Signed) T. F. WADE,
H.B.M.'s Secretary of Legation.

REVISED REGULATIONS OF TRADE ON THE YANG-TSZE KIANG.

ART. I.—British vessels* are authorised to trade on the Yang-tsze Kiang at three ports only, viz:—Chinkiang, Kiukiang and Hankow. Shipment or discharge of cargo at any other point on the River is prohibited, and violation of the prohibition renders ship and cargo liable to confiscation.

Native produce, when exported from any of these three ports, or foreign imports not covered by Exemption Certificates, or native produce that has not paid Coast Trade duty, shall when imported into any of these three ports, pay duty as at the Treaty ports.

ART. II.—British merchant vessels trading on the River are to be divided into two classes, namely:—

1st Class.—*Sea-going Vessels*, that is merchantmen trading for the voyage up the River above Chinkiang, lorchas and sailing vessels generally.

2nd Class.—*Steamers* running regularly between Shanghai and the River ports.

These two classes of vessels will be dealt with according to Treaty, or the Rules affecting the River ports at which they may be trading.

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* And all vessels belonging to Tr t power

All vessels, to whichever of the two classes they may belong, if about to proceed up the River, must first report to the Customs the arms or other munitions of war they may have on board, and the numbers and quantities of these will be entered by the Customs on the vessel's River Pass. Permission to trade on the River will be withdrawn from any vessel detected trading in arms or munitions of war will be liable to confiscation.

Any vessel falling in with a Revenue Cruiser of the Chinese Government will, if examination of them be required, produce her papers for inspection.

ART.—III.—*Sea-going Vessels*, merchantmen, lorchas, and sailing vessels generally, if trading at Chinkiang, will pay their duties and tonnage dues at Chinkiang.

If a vessel of this class is proceeding further than Chinkiang, that is either to Kiukiang or to Hankow, her master must deposit her papers with the Consul at Chinkiang, and must hand in her manifest to be examined by the Chinkiang Customs; the Superintendent of which, on receipt of an official application from the Consul, will issue a certificate, to be called the Chinkiang pass, to the vessel. The Chinkiang pass will have entered upon it the number and quantities of arms, muskets, guns, swords, etc., on board the vessel; also the number of her crew, her tonnage and the flag she sails under. The Customs will be at liberty to seal her hatches, and to put a Customs employé on board her. On her arrival at Kiukiang, whether going up or coming down, her master must present her pass to the Customs for inspection.

The duties on cargo landed or shipped at Kiukiang or Hankow, must all be paid in the manner prescribed by the regulations of whichever of the two ports she may be trading at, and on her return to Chinkiang she must surrender her Chinkiang pass to the Customs at Chinkiang, and the Customs having ascertained that her duties and dues have been all paid, and that every other condition is satisfied, the grand chop will be issued to the vessel, to enable her to obtain her papers and proceed to sea.

The Customs will be at liberty to put an employé on board the vessel to accompany her as far as Lang-shan.

Any British vessel of this class, found above Chinkiang without a Chinkiang pass will be confiscated. Any junk without Chinese papers will similarly be confiscated.

ART. IV.—*River Steamers*. Any British steamer trading regularly on the River will deposit her papers at the British Consulate at Shanghai, and the Customs, on application of the British Consul, will issue a special River Pass (or Steam Pass), that shall be valid for the term of six months. Steamers trading on the River under this pass will be enabled to load and discharge, and will pay duties according to the rule affecting *River Steamers*.

On arrival off Chinkiang or Kiukiang, the steamer, whether proceeding up the River or down, will exhibit her pass to the Customs.

The tonnage dues leviable on any steamer holding a River Pass shall be paid alternately at Chinkiang, Kiukiang and Hankow.

The Customs are at liberty to put a tidewaiter on board a steamer at any of these ports to accompany her up or down stream, as the case may be.

Infringement of River Port Regulations will be punished by the infliction of the penalties in force at the ports open by Treaty; for a second offence the steamer's River Pass will also be cancelled, and she will be refused permission to trade thenceforward above Chinkiang.

Any steamer not provided with a River Pass, if her master propose proceeding above Chinkiang, will come under the rule affecting *Sea-going vessels*, laid down in Art. III, and will be treated accordingly.

ART. V.—*River Steamers' Cargoes.*

§ 1.—Where native produce is shipped at a River port on board a steamer provided with a River Pass, the shipper must pay both Export and Coast Trade duty before he ships it. If it be for export to a foreign port, this should be stated when the produce arrives at Shanghai, and if it be exported from Shanghai within the three* months allowed, the shipper will obtain from the Shanghai Customs a certificate of its re-exportation; on production of which at the River port of shipment, whether Chinkiang, Kiukiang or Hankow, the Customs of that port will issue a drawback for the amount of Coast Trade duty paid.

§ 2.—Where import cargo is transhipped on board a river steamer at Shanghai, it must first be cleared of all duties. The transhipment will not be authorised until the Customs are satisfied that the Import duties have been paid.

ART. VI.—*Native Craft, owned or chartered by British merchants,* will pay duty on their cargo at the rates leviable on such cargo under the Treaty tariff. All such craft will further have to be secured by bond in the manner laid down in the provisional Rules published on the 5th December, 1861,† and on entry into any port, will pay port dues according to Chinese tariff. If the cargoes of Native craft so employed do not agree with their cargo certificates, the amount specified in their bonds will be forfeited to the Chinese Government. This provision is only valid until tranquility is restored along the river.

ART. VII.—British vessels of all classes, as well as junks owned or chartered by British merchants, must apply to the Customs at the port of departure for a cargo certificate *(Tsung-tan)*, which on the vessel or junk's arrival at the port of destination must be handed in to the Customs before permission to discharge can be given.

The above regulations are provisional and open to revision if necessary.

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* This period was extended to twelve months, in June, 1863.

† *(Art. IX of the Provisional Rules of 5th December, 1861)—B.* In the case of native junks chartered or purchased by British subjects to convey produce to or from ports on the Yang-tsze Kiang, the Customs at the port of departure shall, on application of the Consul, issue to the party concerned a special Junk Pass. But the said party must deposit with the Customs a bond, such party being agent of a mercantile firm established in China, or, if not so, a bond with two sufficient sureties, to the value of the cargo, to return within two months from date of his bond, to the Collector at the port of departure, the Junk Pass issued by him, with an acknowledgment thereon, subscribed and sealed by the Collector of the port of destination of the arrival of the junk and discharge of her cargo, or failing the due return of this certificate, to forfeit the sum specified in the bond or deposited with the Customs.

REGULATIONS RELATING TO NATIVE PRODUCE REPACKED IN TRANSITU.

Instituted 8th February, 1866.

NOTIFICATION.

The undersigned, H.B.M.'s Consul, publishes for the general information of the British Mercantile Community, copy of a despatch received from Sir Rutherford Alcock, K.C.B., H.M. Minister Plenipotentiary, etc.,—No. 6, dated Peking, 8th February, 1866,—giving cover to Rules communicated by Prince Kung under which Foreign Merchants will hereafter be permitted to re-pack native produce on which full duties have been paid, without incurring additional levy.

(Signed) CHARLES A. WINCHESTER,
H.B.M.'s Consul.

BRITISH CONSULATE,
Shanghai, 20th March, 1866.

REGULATIONS UNDER WHICH NATIVE PRODUCE ARRIVING AT A TREATY PORT *IN TRANSITU* MAY BE REPACKED.

I.—(A.)—Native produce, in transit if arriving in packages of a *form or size unsuited to reshipment*, will be permitted to be repacked on the following conditions, viz., the goods shall be entered for re-export on arrival and the merchant after ascertaining that re-package is requisite, shall make report of the same to the Customs when officers will be sent to make examination and establish the identity of the goods about to be repacked with those originally entered, which done the Customs will issue a "Permit to Repack" and appoint officers to repair to the godown and superintend the repackage.

(B.)—In the case of *damaged goods requiring to be repacked*, the Customs on application will, in the same way depute officers to establish the fact by examination after which a "Permit to Repack" will be issued and officers appointed to superintend the repackage.

(C.) Native produce thus repacked will be allowed to be re-exported without further payment of duty, subject to the following conditions, viz., the re-export shall take place within the regulation period of twelve months; at the time of shipment the merchant shall return to the Customs the "Permit to Repack" and report that the goods for which "Permit to ship" is requested are goods which arrived on ——— day from ——— port and for which application for permit to repack was made on ——— day: having by examination established the fact that the goods whether consisting of a greater or less number of packages than when imported, agree in weight and quantity as reported in their repacked form and condition for shipment with the goods as originally entered at the time of import, the Customs will treat the goods as if re-shipped in their original form and condition, that is to say no export duty will be charged and a Drawback for the amount of Coast Trade

duty deposited on arrival or a Certificate of Re-export as the case may be will be issued. The re-export must however take place, or the Drawback or Certificate of Re-export be applied for and obtained from the Customs within the period of twelve months above alluded to.

(D.)—Any *excess in respect of weight or quantity* in repacked goods about to be shipped as compared with the weight or quantity reported on original entry will be held to establish the fact that the goods about to be shipped are not the identical goods originally entered for re-export, in all such cases neither Drawback nor Certificate of Re-export will be issued and full Export Duty will be charged on shipment.

II.—Unauthorised or *clandestine re-opening of packages* or *repackage* of native produce without previous report to, and inspection and issue of Permit to Repack by the Customs will entail the forfeit of the Coast Trade Duty deposited, and will subject the goods concerned to the payment of full export duty on shipment.

III.—Changes *affecting the nature or quality of merchandise,* whether effected by the substitution or introduction of other goods discovered to have taken place in native produce opened and repacked whether with or without Customs permission, and reported for shipment as consisting of goods arrived in transit and about to be re-exported will entail on all the goods thus reported for shipment the penalty of confiscation.

IV.—(A.)—In the case of native produce repacked by authority and *re-exported in full,* the Customs will require the return of the Permit to Repack and when issuing the Re-export Certificate for goods arriving from the Yangtsze ports will enter therein the number of packages of which the goods were composed on original arrival and final shipment.

(B.)—In the case of produce re-shipped, not in full but *in part,* the Customs will enter the quantity shipped on the "Permit to Repack" and return the same to the merchant, and will likewise certify in the Certificate of Re-export that 'so many' packages of 'such and such' goods corresponding to 'so many' packages of 'such and such' consignment, have been re-exported for the information of the port concerned.

(C.)—"Permits to Repack" returned to the Customs will be cancelled monthly in the Yamên of the Superintendent.

REGULATIONS RELATING TO PASSENGERS' LUGGAGE, DUTY-FREE GOODS, AND STEAM TUGS.

Instituted 27th April, 1867.

PEKING, *27th April, 1867.*

SIR,—The Chinese Government has deemed it necessary on the recommendation of the Inspector-General of Customs to frame three Regulations relative to Passengers' luggage, Duty-free goods, and Steam Tugs, to prevent mistakes or disputes, and to introduce order and regularity, where there is now much confusion. While their object is the protection of the Revenue, it will be seen they are so drawn up as to secure privileges for merchants, rather than to interfere with their legitimate liberty of action.

These Regulations have been communicated to the Foreign Representatives here for their concurrence, and having been taken into careful consideration by my colleagues and myself, and unanimously approved, I have now to forward you the enclosed copy for publication, and to instruct you to notify to all within your jurisdiction that they have received my sanction, are consequently binding and obligatory on British subjects by virtue of the power conferred upon H.M.'s Minister in China by the 2nd Paragraph of Clause 2, Section 85 of the China and Japan Order in Council, under the head of "Treaties and Regulation," in like manner, as fully as any other Rules and Regulations issued under the said Order in Council by H.M.'s Minister in case of urgency. You will do well also for the better understanding of these Regulations, and to prevent misapprehension on the part of those more immediately concerned, to add the following explanations which have been furnished by the Inspector-General of Customs as to their true purpose and object.

Passengers' Luggage.—The object of this Rule is chiefly *to make it known that the Customs have the right to examine luggage.* It is not intended to be made use of to justly vexatious searches, or to cause to travellers unnecessary annoyance or delay.

Duty-free Goods.—It is of the very fact of there being certain goods exempt from duty that makes it the more necessary to subject those goods to examination, and to bring them under an acknowledged and understood Rule.

Steam Tugs.—This Rule is simply to place on an acknowledged footing what is now conceded by the Customs in practice.

Your obedient servant,
(Signed) RUTHERFORD ALCOCK.

To C. A. WINCHESTER, Esquire,
H.B.M.'s Consul,
Shanghai.

I.—PASSENGERS' LUGGAGE.

Shipmasters become liable to a fine, if they allow any Passengers' Luggage to leave the vessel before the arrival of a tidewaiter on board.

Luggage supposed to contain dutiable goods or articles of contraband, if not at once opened by the owner for examination on

board, may be detained and taken to the Custom-house, the owner can there reclaim it, and be present when it is opened and examined. If not claimed within three days, the Customs will proceed with examination.

The presence of dutiable or contraband goods subjects the luggage to confiscation, and the owner to a fine.

II.—Duty-Free Goods.

Duty-free goods are not to be discharged until after the issue of the "Permit to open hatches." Any violation of this rule subjects the master of the ship to a fine, of which the amount is fixed by the Treaty; whether landed, or merely placed in cargo boats alongside.

Duty-free goods, whether imported or exported, are to be duly manifested; they are not to be shipped or discharged without the proper permit (as in the case of dutiable goods); and they must, in every instance, be taken to the Customs' jetty for examination.

III.—Steam Tugs.

The registers of steamers plying as tugs should be deposited with the Consul; on the receipt of a Consular report, certifying that the steamer is to ply as a tug, and is not to engage in carrying trade, the Customs will register the steamer as such, upon and after which, without report to or clearance from the Customs, she may come and go, and move about at pleasure in the harbour and waters adjacent. If about to proceed to any other Treaty port, such steam tugs must clear from and report at the Customs in the ordinary way; and failing to do so will be liable to a fine of five hundred taels.

Tonnage dues shall be payable by steam tugs once every four months.

If discovered to be concerned in any smuggling transaction, or in the unauthorized transport of cargo, the goods will be confiscated, and the steamer will no longer be regarded as a tug, but will have to report at and clear from the Customs on each future occasion of arrival in, or departure from the harbour.

RULES FOR JOINT INVESTIGATION IN CASES OF CONFISCATION AND FINE BY THE CUSTOM HOUSE AUTHORITIES.*

Agreed to and Promulgated by the British Minister at Peking, 31st May, 1868.

Custom House business will be transacted by the Commissioner.

RULE I.—It shall be the Rule for all business connected with the Custom House Department to be in the first instance transacted between the Commissioner of Customs and the Consul, personally or by letter; and procedure in deciding cases shall be taken in accordance with the following Regulations.

When a seizure is made, the Commissioner will inform those interested, who may then make their explanations in person, or, through the Consul, demand a public investigation.

RULE II.—Whenever a ship or goods belonging to a foreign merchant is seized in a port in China by the Custom House officers, the seizure shall be reported without delay to the Kien-tuh, or Chinese Superintendent of Customs. If he considers the seizure justifiable, he will depute the Shwui-wu-sze, or foreign Commissioner of Customs, to give notice to the party to whom the ship or goods are declared to belong, that they have been seized because such or such an irregularity has been committed, and that they will be confiscated, unless, before noon on a certain day, being the sixth day from the delivery of the notice, the Custom House authorities receive from the Consul an official application to have the case fully investigated.

The merchant to whom the ship or goods belong, if prepared to maintain that the alleged irregularity has not been committed, is free to appeal, within the limited time, directly to the Commissioner, who is to inform the Superintendent. If satisfied with his explanations, the Superintendent will direct the release of the ship or goods; otherwise, if the merchant elect not to appeal to the Customs, or if, after receiving his explanations, the Superintendent still declines to release the ship or goods, he may appeal to his Consul, who will inform the Superintendent of the particulars of this appeal, and request him to name a day for them both to investigate and try the case publicly

RULE III.—The Superintendent, on receipt of the Consul's communication, will name a day for meeting at the Custom House; and the Consul will direct the merchant to appear with his witnesses there on the day named, and will himself on that day proceed to the Custom House. The Superintendent will invite the Consul to take his seat with him on the bench; the Commissioner of Customs will also be seated to assist the Superintendent.

On the Consul's requisition, the Superintendent will hold a Court at which the Consul will be present, for the investigation and settlement of the case.

Proceedings will be opened by the Superintendent, who will call on the Customs' employés who seized the ship or goods to state the circumstances which occasioned the seizure, and will question them as to their evidence. Whatever the merchant may have to advance in contradiction of their evidence he will state to the Consul, who will cross-examine them for him. Such will be the proceedings in the interest of truth and equity. The Consul and Superintendent may, if they see fit, appoint deputies to meet at the Custom House in their stead, in which case the order of proceeding will be the same as if they were present in person.

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* Substituted for the Rules agreed upon in 1865 between the Chinese Government and H.B.M. Chargé d'Affaires.

When the Consul and Superintendent agree to confiscate, the Merchant will have no appeal; when the Consul dissents from the Superintendent's views, the case will be referred to the superior authorities at Peking. No claim for compensation.

RULE IV.—Notes will be taken of the statements of all parties examined, a copy of which will be signed and scaled by the Consul and Superintendent. The room will then be cleared, and the Superintendent will inform the Consul of the course he proposes to pursue. If he proposes to confiscate the vessel or goods, and the Consul dissents, the merchant may appeal; and the Consul, having given notice of the appeal to the Superintendent, they will forward certified copies of the above notes to Peking,—the former to his Minister, and the latter to the Foreign Office for the decision.

If the Consul agrees with the Superintendent that the ship or goods ought to be confiscated, the merchant will not have the right of appeal; and in no case will the release of ship or goods entitle him to claim indemnity for their seizure, whether they be released after the investigation at the Custom House, or after the appeal to the high authorities of both nations at Peking.

When there is an appeal, the property may be released under bond; where appellant refuses to execute a bond, he cannot claim any indemnity.

RULE V.—The case having been referred to superior authority, the merchant interested shall be at liberty to give a bond, binding himself to pay the full value of the ship or goods, attached, should the ultimate decision be against him; which bond, being sealed with the Consular seal, and deposited at the Custom House, the Superintendent will restore to the merchant the ship or goods attached; and when the superior authorities shall have decided whether so much money is to be paid, or the whole of the property seized be confiscated, the merchant will be called on to pay accordingly. If he decline to give the necessary security, the ship or merchandise attached will be detained. But whether the decision of the superior authorities be favorable or not, the appellant will not be allowed to claim indemnity.

When the irregularity is one punishable by fine, the Commissioner will enter a plaint at the Consulate, and the Consul will hold a Court, the Commissioner being present, for the investigation and settlement of the case. When the Commissioner dissents from the Consul's views, the case will be referred to the superior authorities at Peking.

RULE VI.—When the act of which a merchant at any port is accused is not one involving the confiscation of ship or cargo, but is one which, by Treaty or Regulation, is punishable by fine, the Commissioner will report the case to the Superintendent, and at the same time cause a plaint to be entered in the Consular Court. The Consul will fix the day of the trial, and inform the Commissioner that he may then appear with the evidence and the witnesses in the case. And the Commissioner, either personally or by deputy, shall take his seat on the bench, and conduct the case on behalf of the prosecution.

When the Treaty or Regulations affix a specific fine for the offence, the Consul shall on conviction give judgment for that amount, the power of mitigating the sentence resting with the Superintendent and Commissioner. If the defendant is acquitted, and the Commissioner does not demur to the decision, the ship or goods, if any be under seizure, shall at once be released, and the circumstances of the case be communicated to the Superintendent. The merchant shall not be put to any expense by delay, but he shall have no claim for compensation on account of hindrance in his business, for loss of interest, or for demurrage. If a difference of opinion exists between the Commissioner and Consul, notice to that effect shall be given to the Superintendent, and copies of the whole proceedings forwarded to Peking for the consideration of their respective high authorities. Pending their decision, the owner of the property must file a bond in the Consular Court to the full value of the proposed fine, which will be sent to the Custom House authorities by the Consul, and the goods or ship will be released.

Disputed duties to be temporarily uncollected, and goods to be returned under bond, pending reference to Peking.

RULE VII.—If the Custom House authorities and Consul cannot agree as to whether certain duties are leviable or not, action must be taken as Rule V directs, and the merchant must sign a Bond for the value of the duties in question. The Consul will affix his seal to this document, and send it to the Custom House authorities, when the Superintendent will release the goods without receiving the duty; and these two functionaries will respectively send statements of the case to Peking,—one to his Minister, the other to the Foreign Office.

If it shall be decided there that no duty shall be levied, the Custom House authorities will return the merchant's bond to the Consul to be cancelled; but if it be decided that a certain amount of duty is leviable, the Consul shall require the merchant to pay it in at the Custom House.

When valuations are disputed, the owner's value is to be taken as the correct one; but the Custom House is to have the option of retaining the ship or goods at that valuation.

RULE VIII.—If the Consul and the Custom House authorities cannot agree as to whether confiscation of a ship, or a cargo, or both of them together, being the property of a foreign merchant, shall take place, the case must be referred to Peking for the decision of the Foreign Office, and the Minister of his nation. Pending their decision, the merchant must, in accordance with Rule V, sign a bond for the amount, to which the Consul will affix his seal, and send it for deposit at the Custom House.

As difference of opinion as to the value [of ship or goods] may arise, the valuation of the merchant will be decisive; and the Custom House authorities may, if they see fit, take over either at the price aforesaid.

If after such purchase it be decided that the property seized ought to be confiscated, the merchant must redeem his bond by paying in at the Custom House the original amount of the purchase-money. If the decision be against confiscation, the bond will be returned to the Consul for transmission to the merchant, and the case then be closed. The sum paid to the Custom House authorities for ship or goods being regarded as their proper price, it will not be in the merchant's power by a tender of the purchase-money, to recover them.

GENERAL PILOTAGE REGULATIONS.

Agreed to and published by the British Minister, 3rd November, 1868.

GENERAL REGULATION.—I.

I.—*Bye Laws and Local Rules.*—1.—Bye-laws and Rules necessary for the better ordering of Pilotage matters at the Ports are to be drawn up by the Harbour Masters in consultation with the Consuls and Chambers of Commerce with whom also it rests in the same way to fix the number of Pilots, tariff of charges, and define the limits of the Pilotage ground.

2.—The number of Pilots for the Port of ——— shall be ———

3.—The Pilotage ground for the Port of ——— shall be ——— defined as follows, viz:—

4.—The Pilotage charges shall be as follows, viz:—
Steamers, or Sailing Vessels in tow, per foot . . . . ———
Sailing Vessels, per foot . . . . . ———

GENERAL REGULATION.—II.

II.—*Pilots: individuals eligible.*—The subjects, citizens or protegés of Treaty Powers shall, equally with natives of China, and without distinction of nationality, be eligible for appointment when vacancies occur, by the Board of Appointment, subject to the General Regulations now issued, and the Bye-laws to be under them enforced at the several Ports respectively.

GENERAL REGULATION.—III.

III.—*Board of Appointment: how to be constructed.*—The Board of Appointment shall consist of the Harbour Master as President, the (or a) Senior Pilot, and two persons whose names shall be drawn by lot, by the Harbour Master, from a list prepared and published by the Harbour Master in consultation with the Consuls and Chambers of Commerce.

GENERAL REGULATION.—IV.

IV.—*Vacancies: how to be filled up.*—1.—Whenever there may be a vacancy among the Pilots, it shall be duly notified in the local prints; and eight days afterwards the Board of Appointment shall proceed to fill it up by a competitive examination.

2.—The Board may refuse to admit to the examination any one who, having once been a Licensed Pilot, has had his Licence withdrawn, and also any candidate who is unable to produce Consular certifications as to character, etc.

3.—The examination shall be public and gratuitous, and the vacancies shall be given to the most competent among the candidates without distinction of nationality, provided always the competency of the first on the list be not relative but absolute.

4.—The Consul concerned may in person, or by deputy, be present and take part in the examination of candidates.

5.—The majority of the votes of the Members of the Board shall decide the admission of candidates for Pilot Licences, each Member having one vote in the ballot; but in the absence of the Consul concerned, the Harbour Master shall have a casting vote.

GENERAL REGULATION.—V.

V.—*Pilot's Licence: by whom to be issued.*—1.—Pilots' Licences shall be issued by the Commissioner of Customs in the name and on behalf of the Chinese Government. Licences issued to Pilots not being natives of China shall subsequently be viséd and registered at the Consulate concerned.

2.—On the first day of July each year, every Pilot shall pay the sum of Ten Haikuan Taels for the renewal of his Licence.

3.—Every Licensed Pilot shall be given a printed copy of the General Regulations and Local Rules, and shall produce the same, as well as his Licence, when required.

GENERAL REGULATION.—VI.

VI.—*Apprentice Pilots: how to be taken.*—1.—It shall be allowable for each Licensed Pilot to take an Apprentice, for whom he shall be responsible. On the application of Pilots, the Harbour Master will supply Apprentices with special certificates.

2.—When the circumstances of the Port appear to demand it, the Harbour Master may authorise Apprentices to act temporarily, and within certain limits, as Pilots; provided they have received certificates of competency from the Board of Appointment.

GENERAL REGULATION.—VII.

VII.—*Licensed Pilots: to whom subordinated: Unlicensed piloting, etc.*—1.—Licensed Pilots may carry on their business either singly or in companies. They must pay due respect to the wishes and instructions of the Harbour Master under whose orders and control they are placed, and who is invested with power to suspend or dismiss, subject to an appeal to the Consul concerned. When the Pilot is a Foreigner the appeal to be lodged within three days.

2.—If guilty of any misconduct for which Consular punishment has been inflicted, or if proved to have committed any offence against Revenue Laws, the individual concerned may be suspended or dismissed by the Harbour Master, subject to an appeal to his Consul. If a Foreigner the appeal to be lodged within three days.

3.—Any one piloting without a Licence, or making use of another's Licence, shall be subject to prosecution before his own authorities, who will deal with the offender in accordance with the Laws of his country. Any Pilot lending his Licence to another will be proceeded against and dealt with in the same way in addition to forfeiting his Licence.

4.—Any Commanding Officer employing an unlicensed person to pilot his vessel will be liable to be fined in the sum of One Hundred Taels by the Authorities to whose jurisdiction he is amenable.

GENERAL REGULATION.—VIII.

VIII.—*Pilot Boats: regulations to be observed.*—1.—Pilot Boats shall be registered with their crews at the Harbour Master's office, where each boat will be given a certificate and number. The word, "Licensed Pilot Boat," shall with the number, be legibly painted at the stern, and on the head of the main-sail; and a flag of which the upper horizontal half shall be yellow, and the lower green, shall be flown. Such registered Pilot Boats shall deposit their national papers with their Consul or the Customs; they shall be at liberty to move freely within the limits of the Ports and Pilotage ground, and shall be exempt from Tonnage Dues. On the requisition of the Harbour Master or his deputies, it will be obligatory on registered Pilot Boats to convey, from place to place within the limits, employés belonging to either Customs' or Harbour Master's Departments, with such stores as may be wanted for either Light-houses or Light-ships.

2.—Every Licensed Pilot Boat shall pay a fee of Twenty Taels for renewal of Licence on the first July each year.

3.—In case of a Pilot going off in an unregistered Boat, he will be authorised to carry the Pilot Boat Flag during the time he is on board; but no Pilot is authorised to cruise in an unregistered Boat, without special permission from the Harbour Master.

4.—The owner or hirer of an unregistered Boat making use of a Pilot Flag, and not having a Licensed Pilot on board, shall be prosecuted before the authorities to whom he is amenable, or whose Flag or national Ensign he has the right to use.

5.—A registered Pilot Boat is not permitted to fly the Pilot Flag, save when there is either a Licensed Pilot or certificated Apprentice on board.

GENERAL REGULATION.—IX.

IX.—*Flags to be exhibited on arrival.*—When nearing anchorage, the Pilot shall cause to be exhibited—

A Red and White Flag (No. 3—H) if the vessel is from Hongkong, Japan, or any Chinese Port.

A Blue and White Flag (No. 2—J) if from any Foreign Port.

A Yellow and Blue (No. 10—K) if the vessel is in ballast.

A Red Swallow Tail (No. 5—B) if the vessel has gun-powder or other combustible on board.

GENERAL REGULATION.—X.

X.—*Harbour Pilots: Vessels in Harbour Berthing, etc.*—1.—The duties of the Harbour Pilots, where such exist, will be to take charge of vessels at the outer limit of the anchorage, berth them in accordance with the orders received from the Harbour Master's Department, take charge of vessels shifting berths, going in or out of dock, or to and from a wharf or out of the anchorage, and to assist and report to the Harbour Master's office all matters concerning the shipping in Port, and the conservancy of the river or harbour.

2.—In berthing vessels, the Harbour Master will, as far as possible, meet the wishes of Commanding Officers and Consignees, and the entrance, working, or clearance of vessels taking berths not assigned to them shall be stopped by the Customs until the Harbour Master's orders are complied with.

3.—Vessels are to moor in accordance with orders received from the Harbour Master, and are not to remove from the anchorage without his permission.

4.—The Harbour Pilotage Fees payable to the Harbour Master are as follows:—

For berthing a vessel, or taking her out of port. . .———
Docking, undocking, mooring, etc. . . . . .———
Shifting a vessel's berth. . . . . .———
Taking a vessel to or from a wharf . . . . . .———

The above Rules and Regulations are provisional and may be amended, or added to, according to circumstances.

RULES FOR THE MIXED COURT AT SHANGHAI.

Instituted 20th April, 1869.

NOTIFICATION.

The undersigned is instructed by H.B.M.'s Minister Plenipotentiary and Envoy Extraordinary, etc., etc., etc., to declare the following Rules for the Mixed Court to be in force for a period of one year from this date, unless otherwise ordered.

(Signed) W. H. MEDHURST,
H.B.M.'s Consul.

H.B.M. CONSULATE,
Shanghai, 20th April, 1869.

An Official having the rank of Sub-Prefect will be deputed to reside within the foreign settlement. He will have a jurisdiction in commercial suits and in civil and criminal cases, generally within the foreign settlements. He will have an official residence, and will be furnished with the cangue, the bamboo, and the minor means of punishment. He will provide food and lodging [for prisoners].

He will decide all civil and commercial suits between Chinese resident within the settlements, and also between Chinese and foreign residents, in cases where Chinese are defendants, by Chinese law. He will be authorised to examine Chinese judicially, to detain them in custody, and to punish them by putting them in the cangue, by flogging, and by other minor punishments.

2.—Where a Foreigner is concerned in a cause to be tried, a Consul or his Deputy shall sit with the Sub-Prefect at the trial; but where Chinese only are concerned the Sub-Prefect shall adjudicate independently—the Consuls shall not interfere.

3.—Where a defendant is a native in foreign employ, the Sub-Prefect will first communicate particulars to the Consul [of the nationality concerned], who will be bound to place the parties before the Court without attempting to screen or conceal them. A Consul or his Deputy may attend the hearing, but he shall not interfere if no foreign interest is involved. The servants of non-trading Consuls shall not be arrested unless with the sanction of their masters.

4.—In cases where Chinese subjects are charged with grave offences punishable by death and the various degrees of banishment, where, by Chinese law, a local officer with an independent seal would send up the case for revision by the Provincial Judge, who would submit it to the high authorities to be by them referred to His Majesty or the Board of Punishment,—it will still be for the District Magistrate of Shanghai to take action.

Inquests, when needed, are to be held by the District Magistrate of Shanghai, independently of the Sub-Prefect.

5.—A Chinese criminal escaping to the foreign settlements can be summarily arrested by the Sub-Prefect without warrant from the District Magistrate or aid from the Municipal police.

6.—Suits between natives and foreigners shall be decided equitably and impartially, and in accordance with Treaties. The Treaty provision is to be followed in cases where the foreigner has a Consul. When the foreigner has no Consul, the Sub-Prefect sitting with a foreign [Consular] Assessor shall try the case, submitting the decision for the consideration of the Taotai. Should either party to a case be dissatisfied with the Sub-Prefect's decision, application for a new trial can be made to the Taotai or to the proper Consul.

7.—Foreigners, who may be charged with any offence, if represented by Consuls on the spot, shall be dealt with by them as the Treaties provide. Unrepresented foreign offenders will be tried and sentenced by the Sub-Prefect, the finding being submitted for the Taotai's approval, who will consult with some Treaty Power Consul on the subject. Where the offenders are Chinese, the Sub-Prefect will inflict the proper legal punishment.

8.—The necessary staff of translators, linguists, writers and servants, will be engaged by the Sub-Prefect, as also a foreigner or two for general purposes, by whom also, foreign offenders having no Consul will be brought to trial or kept in custody when necessary. All expenses are to be drawn from the Taotai monthly. Acts of extortion or annoyance on the part of any of the employers shall be severely punished.

9.—The Sub-Prefect shall keep a daily certified record of arrests made and cases tried, giving the names of the parties arrested and recording the grounds of decision in each case. This shall be open to the inspection of the superior authorities. Should the Sub-Prefect be inefficient or notorious he will be denounced and removed from office, another being appointed in his place.

10.—When the Sub-Prefect has tried a case, should it be ascertained that plaintiff's charge was false or exaggerated, said plaintiff, whether native or foreigner, shall on conviction be mulcted by the Sub-Prefect in accordance with Rules which will be jointly drawn up by the Sub-Prefect and Consuls, and submitted for the Taotai's approval, and in the interests of justice, native and foreigner, must in this respect be treated with perfect impartiality.

REGULATION RELATING TO DRAWBACK CERTIFICATES.

In pursuance of an Agreement arrived at with Mr. von Brandt, Minister Plenipotentiary of Germany, in December, 1876, the following Regulation was proposed by the Chinese Government, and assented to by the Foreign Representatives at Peking.

"In the case of all merchandise of a *bonâ fide* foreign origin, which after having paid the full import duty it shall be desired to re-export to a foreign country, provided that the goods remain intact and unchanged in the original packages, the first day of the first month of the third year of Kwang Sü (13th February, 1877), shall be the period from which a period of thirty-six months shall be allowed,* counting from the date of importation to the date of exportation, within which the issue of drawback certificates may be applied for, the said certificates being exchangeable for ready money at the option of the merchant.

"Drawback certificates issued previously to the 13th of February, 1877, being unlimited as to time, shall be receivable on payment of duty, but shall not be redeemable in cash."

ADDENDUM.

As the wording of the Transit Duty clause of the Tariff Rules appended to the Treaty concluded with the United States in 1858 presents some points of difference, in its preamble and conclusion, from that of the clause as originally negotiated by the Earl of Elgin (see p. 30), the wording of the United States' text is here reproduced so far as it differs from that of the British Tariff Rule:—

RULE VII.—It is agreed that the transit dues upon goods imported or exported shall be one-half of the tariff duties, except in the case of the duty-free goods liable to a transit-duty of 2½ per cent. *ad valorem*, as provided in Article II of these Rules. Merchandise shall be cleared of its transit dues under the following conditions:—

In the case of Imports:—[Same as British text.]

In the case of Exports:—[Same as in British text, down to the words "on exportation the produce will pay the tariff duty." The U. S. text continues as follows]:

Any attempt to pass goods inwards or outwards, otherwise than in compliance with this rule or unauthorized sale *in transitu* of goods that have been entered as above for a port, will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination named in the certificate liable to confiscation. Permission to export produce, which cannot be proved to have paid its transit dues, will be refused by the Customs until they shall have been paid. It being allowed by this rule that the transit dues on merchandise shall be levied once for all, no others shall be demanded after they have been paid.

* See British Agreement of Chefoo, Section III, § V.

FRANCE.

TREATY OF PEACE, FRIENDSHIP, AND COMMERCE BETWEEN FRANCE AND CHINA.

Signed at Tientsin, 9th June, 1885.

The President of the French Republic and His Majesty the Emperor of China each animated by an equal desire to bring to an end the difficulties which have given rise to their simultaneous intervention in the affairs of Annam, and wishing to re-establish and improve the relations of friendship and commerce which previously existed between France and China, have resolved to conclude a new treaty to further the common interest of both nations on the basis of the preliminary Convention signed at Tientsin on the 11th May, 1884, and ratified by an Imperial decree of the 13th April, 1885.

For that purpose the two high contracting parties have appointed as their Plenipotentiaries the following, that is to say:— Plenipotentiaries.

The President of the French Republic, M. Jules Patenôtre, Envoy Extraordinary and Minister Plenipotentiary for France in China, Officer of the Legion of Honour, Grand Cross of the Swedish Order of the Pole Star, etc., etc.; Patenôtre.

And His Majesty the Emperor of China, Li Hung-chang, Imperial Commissioner, Senior Grand Secretary of State, Grand Honorary Preceptor of the Heir Presumptive; Superintendent of Trade for the Northern Ports, Governor-General of the Province of Chihli, of the First degree of the Third Order of Nobility, with the title of Sou-yi; Li Hung-chang.

Assisted by Hsi Chen, Imperial Commissioner, Member of the Tsung-li Yamên, President of the Board of Punishments, Administrator of the Treasury at the Ministry of Finance, Director of Schools for the Education of Hereditary Officers of the Left Wing of the Yellow Bordered Banner; Hsi Chen.

And Teng Chang-su, Imperial Commissioner, Member of the Tsung-li Yamên, Director of the Board of Ceremonies; Teng Chang-su.

Who having communicated their full powers, which have been found in good and due form, have agreed upon the following Articles:—

ART. I.—France engages to re-establish and maintain order in those provinces of Annam which border upon the Chinese empire. For this purpose she will take the necessary measures to disperse or expel the bands of pirates and vagabonds who endanger the public safety, and to prevent their collection together again. Nevertheless the French troops shall not, under any circumstances, cross the frontier which separates Tonkin from China, which frontier France promises both to respect herself and to guarantee against any aggression whatsoever. Peace to be established on Tonkin-China frontier.

On her part China undertakes to disperse or expel such bands as may take refuge in her provinces bordering on Tonkin and to disperse those which it may be attempted to form there for the purpose of causing disturbances amongst the populations placed under the protection of France; and, in consideration of the guarantees which have been given as to the security of the frontier, she likewise engages not to send troops into Tonkin.

The high contracting parties will fix, by a special convention, the conditions under which the extradition of malefactors between China and Annam shall be carried out.

The Chinese, whether colonists or disbanded soldiers, who reside peaceably in Annam, supporting themselves by agriculture, industry, or trade, and whose conduct shall give no cause of complaint, shall enjoy the same security for their persons and property as French protégés.

China respects Franco-Annamese Treaties, etc.

ART. II.—China, being resolved to do nothing which may imperil the work of pacification undertaken by France, engages to respect, both in the present and in the future, the treaties, conventions, and arrangements concluded directly between France and Annam, or which may hereafter be concluded.

As regards the relations between China and Annam, it is understood they shall be of such a nature as shall in no way injure the dignity of the Chinese empire or give rise to any violation of the present treaty.

Frontier Delimitation.

ART. III.—Within a period of six months from the signature of the present treaty, Commissioners appointed by the high contracting parties shall proceed to the spot in order to define the frontier between China and Tonkin. They shall place landmarks wherever necessary to render the line of demarcation clear. In those cases where they may not be able to agree as to the location of these landmarks or on such rectifications of detail as it may be desirable to make, in the interest of the two nations, in the existing frontier of Tonkin, they shall refer the difficulty to their respective Governments.

Passports.

ART. IV.—When the frontier shall have been agreed upon, French or French protégés and foreign residents of Tonkin who may wish to cross it in order to enter China shall not be allowed to do so unless they shall have previously provided themselves with passports issued by the Chinese frontier authorities on the requisition of the French authorities. For Chinese subjects an authorisation given by the Imperial frontier authorities shall be sufficient.

Chinese subjects wishing to proceed from China to Tonkin by the land route shall be obliged to provide themselves with regular passports, issued by the French authorities on the requisition of the Imperial authorities.

Inland places of trade to be agreed on and opened.

ART. V.—Import and export trade shall be permitted to French or French-protected traders and to Chinese traders across the land frontier between China and Tonkin. It shall, however, be carried on through certain spots which shall be settled later, and both the selection and number of which shall correspond with the direction and importance of the traffic between the two countries. In this respect the Regulations in force in the interior of the Chinese Empire shall be taken into account.

Consuls to be appointed.

In any case, two of the said spots shall be marked out on the Chinese Frontier, the one above Lao-kai, the other beyond Lang-son. French traders shall be at liberty to settle there under the same conditions, and with the same advantages, as in the ports open to foreign trade. The Government of His Majesty the Emperor of China shall establish custom-houses there, and the Government of the French Republic shall be at liberty to maintain Consuls there, whose powers and privileges shall be identical with those of Agents of the same rank in the open ports.

On his part, His Majesty the Emperor of China shall be at liberty, with the concurrence of the French Government, to appoint Consuls in the principal towns of Tonkin.

ART. VI.—A special code of Regulations, annexed to the present Treaty, shall define the conditions under which trade shall be carried on by land between Tonkin and the Chinese provinces of Yünnan, of Kwang-si, and of Kwang-tung. Such Regulations shall be drawn up by Commissioners, who shall be appointed by the High Contracting Parties, within three months from the signature of the present Treaty. Frontier Trade Regulations to be drawn up

All goods dealt with by such trade shall be subject, on import and export between Tonkin and the Provinces of Yünnan and Kwang-si, to duties lower than those laid down by the present Tariff for foreign trade. The reduced Tariff shall not, however, be applied to goods transported by way of the land frontier between Tonkin and Kwang-tung, and shall not be enforced within the ports already open by Treaty.* Reduced Tariff.

Trade in arms, engines, supplies, and munitions of war of any kind whatsoever shall be subject to the Laws and Regulations issued by each of the Contracting States within its own territory.

The export and import of opium shall be governed by special arrangements to be inserted in the above-mentioned code of Regulations.

Trade by sea between China and Annam shall likewise be dealt with by a separate code of Regulations. In the meanwhile, the present practice shall remain unaltered.

ART. VII.—With a view to develop under the most advantageous conditions the relations of commerce and of good neighbourship, which it is the object of the present Treaty to re-establish between France and China, the Government of the Republic shall construct roads in Tonkin, and shall encourage the construction of railways there. Railways, etc., to be opened up in Tonkin.

When China, on her part, shall have decided to construct railways, it is agreed that she shall have recourse to French industry, and the Government of the Republic shall afford every facility for procuring in France the staff that may be required. It is, moreover, understood that this clause shall not be looked upon as constituting an exclusive privilege in favour of France. China may apply to France for help to railway building.

ART. VIII.—The commercial stipulations of the present Treaty and the Regulations to be agreed upon shall be liable to revision after an interval of ten complete years from the date of the exchange of the ratifications of the present Treaty. But in case six months before it expires neither one nor other of the High Contracting Parties shall have expressed a wish to proceed to a revision, the commercial stipulations shall remain in force for a fresh period of ten years, and so further in like manner. Revision at end of 10 years.

ART. IX.—As soon as the present Treaty shall have been signed, the French forces shall receive orders to retire from Kelung and to cease search, etc., on the high seas. Within one month from the signature of the present Treaty the Island of Formosa and Pescadores shall be entirely evacuated by the French troops. Kelung, etc. to be evacuated.

ART. X—All stipulations of former Treaties, Agreements, and Conventions between France and China, which are not modified by the present Treaty, remain in full force.

The present Treaty shall be ratified at once by his Majesty the Emperor of China, and after it shall have been ratified by the President of the French Republic, the exchange of ratification shall take place at Peking with the least possible delay.

Done in quadruplicate at Tientsin, this 9th June, 1885, corresponding to the 27th day of the 4th moon of the 11th year of Kwang Sü. 9th June, 1885.

[L.S.]	(Signed)	PATENÔTRE.
,,	,,	HSI CHEN.
,,	,,	LI HUNG-CHANG.
,,	,,	TENG CHANG-SU.

* *v.* p. 249 Art. III.

TRADE REGULATIONS FOR THE ANNAM FRONTIER JOINTLY DETERMINED ON BY FRANCE AND CHINA.

Signed at Peking, 25th April, 1886.

(Translated from the French Text.)

Whereas in Article VI. of the Treaty between the President of the French Republic and His Majesty the Emperor of China, signed the 9th day of June, 1885, it is stated that "Regulations for the conduct of overland trade between Tonkin and the Chinese provinces of Yünnan, Kwang-si, and Kwang-tung shall be jointly discussed and concluded by Commissioners appointed by the two Powers, and will form a supplement to the present Treaty," and whereas in the tenth article of that agreement it is set forth that "provisions of former Treaties and Regulations agreed to by France and China, except in so far as they are modified by the present agreement, will continue to retain their original validity," the two High Contracting Parties have for this purpose named as their Plenipotentiaries, that is to say:—

Plenipotentiaries.

Cogordan.

The President of the French Republic, G. Cogordan, Minister Plenipotentiary of France to China, Officer of the Legion of Honour, Knight of the Order of the Crown of Italy, etc., etc., together with E. Bruwaert, Consul of the first class, Assistant Commissioner for Treaty negotiations, Knight of the Order of Gustav of Sweden, and of the Order of Leopold of Belgium;

Li Hung-chang.

And His Majesty the Emperor of China, Li, Grand Preceptor of the Heir Apparent, Grand Secretary of State, Superintendent of Trade for the Northern Sea-board, Joint Commissioner of Admiralty, Governor of Chili, and a member of the first degree of the third order of the hereditary nobility, with the title of Sou-yi;

Who after having communicated to each other their respective full powers, and found them to be in due form, have concluded the following Articles:—

Frontier Treaty Ports.

ART. I.—In accordance with the terms of Article V. of the Treaty of the 9th June, 1885, the high contracting parties agree that for the present two places shall be opened to trade, one to the north of Langson and the other above Lao-kai. China will establish Custom Houses there, and France shall have the right to appoint Consuls, who shall enjoy all rights and privileges conceded in China to the Consuls of the most favoured nation.

The work of the Commission charged with the delimitation of the two countries not being completed at the time of the signature of the present Convention, the place to be opened to trade north of Langson shall be selected and determined in the course of the present year by arrangement between the Imperial Government and the representative of France at Peking. As to the place to be opened to trade above Lao-kai, this will also be determined by common accord when the frontier between the two countries shall have been defined.

ART. II.—The Imperial Government may appoint Consuls at Hanoi and at Haiphong. Chinese Consuls may also be sent later on to other large towns in Tonkin by arrangement with the French Government. Chinese Consuls.

The agents shall be treated in the same manner and have the same rights and privileges as the Consuls of the most favoured nation in France. They shall maintain official relations with the French authorities charged with the Protectorate.

ART. III.—It is agreed, on the one side and the other, that in the places where Consuls are appointed the respective authorities will facilitate the installation of these agents in suitable residences. Residence at place of trade.

Frenchmen may establish themselves in the places opened to trade on the frontier of China under the conditions set forth in the Articles VII., X., XI., XII., and others of the treaty of the 27th June, 1858.

Annamites shall enjoy in these places the same privileged treatment.

ART. IV.—Chinese shall have the right of possessing land, erecting buildings, opening commercial houses, and having warehouses throughout Annam. Chinese in Annam.

They shall receive for their persons, their families, and their goods the same protection as the most favoured European nation, and, like the latter, may not be made the object of any ill-treatment. The official and private correspondence and telegrams of Chinese officials and merchants shall be freely transmitted through the French postal and telegraphic administrations.

Frenchmen will receive from China the same privileged treatment.

ART. V.—Frenchmen, French protégés, and foreigners residing in Tonkin may cross the frontiers and enter China on condition of being furnished with passports. These passports will be given by the Chinese authorities at the frontier, on the requisition of the French authorities, who will ask for them only for respectable persons; they will be surrended to be cancelled on the holder's return. In the case of those who have to pass any place occupied by aborigines or savages, it will be mentioned in the passport that there are no Chinese officials there who can protect them . Frontier passports.

Chinese who wish to come from China to Tonkin by land must in the same way be furnished with passports granted by the French authorities on the requisition of the Chinese authorities, who will ask for them only on behalf of respectable persons.

The passports so granted on the one side or the other shall serve only as titles to travel and shall not be considered as certificates of exemption from taxes for the transport of merchandise.

Chinese authorities on Chinese soil and French authorities in Tonkin shall have the right to arrest persons who have crossed the frontier without passports and send them back to their respective authorities to be tried and punished if necessary.

Chinese residing in Annam may return from Tonkin to China on simply obtaining from the Imperial authorities a pass permitting them to cross the frontier.

Frenchmen and other persons established in the open places on the frontier may travel without passports to a distance of 50 *li* (578 metres to the *li*) around such places.

ART. VI.—Merchandise imported into the places opened to trade on the frontier of China by French merchants and French protégés may, after payment of the import duties, be conveyed to the interior markets of China under the conditions fixed by Rule VII annexed to the Treaty of the 27th June, 1858, and by the general rules of the Chinese Imperial Maritime Customs with regard to import transit passes. Frontier trade foreign products.

When foreign merchandise is imported into these places a declaration shall be made at the Custom House of the nature and quantity of the merchandise, as well as of the name of the person by whom it is accompanied. The Customs authorities will proceed to verification, and will collect the duty according to the general tariff of the Imperial Maritime Customs, diminished by one-fifth. Articles not mentioned in the tariff will remain subject to the duty of 5 per cent. *ad valorem*. Until this duty has been paid the goods may not be taken out of the warehouses to be sent away and sold.

Reduced tariff.

A merchant wishing to send foreign merchandise into the interior shall make a fresh declaration at the Custom House, and pay, without reduction, the transit dues fixed by the general rules of the Chinese Maritime Customs.

Transit Pases.

After this payment the Customs will deliver a transit pass which will enable the carriers to go to the localities mentioned in the pass for the purpose of disposing of the said merchandise.

Under these conditions, no new duties will be levied at the interior barriers or *lekin* stations.

Merchandise for which transit passes have not been obtained will be liable to all the barrier and *likin* duties imposed upon indigenous products in the interior of the country.

Native products: transit outwards.

ART. VII.—Merchandise bought by Frenchmen and persons under French protection in the interior markets of China may be brought into the open places on the frontier, for the purpose of being from thence exported to Tonkin, under the conditions fixed by Rule VII. annexed to the Treaty of 27th June, 1858, with regard to the transit of merchandise for export.

When Chinese merchandise for export arrives at these places, declaration shall be made at the Custom House as to the nature and quantity of the merchandise, as well as the name of the person accompanying it.

The Customs authorities will proceed to verification.

Such of this merchandise as shall have been bought in the interior by a merchant furnished with a transit pass, and which consequently has not paid any *likin* or barrier duty, shall in the first place pay the transit duty fixed by the general tariff of the Chinese Maritime Customs.

It shall then pay the export duty diminished by one-third. Articles not named in the tariff will remain subject to the duty of 5 per cent. *ad valorem*.

After payment of these duties the merchandise will be allowed to pass free, and to be sent beyond the frontier.

The merchant who, not being furnished with a transit pass, has bought goods in the interior, shall pay the duties levied at the barriers and *lekin* stations; receipts shall be delivered to him, and on arriving at the Custom House he shall be exempted from payment of the transit dues on presentation of these receipts.

French merchants and persons under French protection importing or exporting merchandise through the Customs offices on the frontiers of Yünnan and Kwangsi, and Chinese merchants importing or exporting merchandise to or from Tonkin, will not have to pay any toll on their carriages or beasts of burden. On the navigable water-courses on the frontier, vessels may, on the one side and the other, be subjected to the payment of tonnage-dues, conformably to the rules of the Maritime Customs of the two countries.

Tonnage dues.

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* Modified p. 249 Art. III.

As regards the provisions of the present article and the preceding one, it is agreed by the high contracting parties that if a new Customs tariff should be established by common accord between China and a third Power, for trade by land on the south-western frontiers of the Chinese Empire, France shall obtain the application of it.

Re-Exports: frontier port to frontier port;

ART. VIII.—Foreign merchandise which, not having been sold within a period of thirty-six months after having paid the import duty at one of the Chinese frontier Customs stations, is forwarded to the other frontier Customs station, shall be examined at the first of these stations, and if the wrappings are found intact, and if nothing has been disturbed or changed, a certificate of exemption for the amount of the first duty collected will be given. The bearer of this certificate will deliver it to the other frontier station, in payment of the new duty which he will have to pay. The Customs may in like manner give bonds which will be available for payment of duties at the Custom House by which they are issued any time within three years. Money will never be returned.

To Coast port.

If the same merchandise is re-despatched to one of the open ports of China, it will there, conformably to the general rules of the Chinese Maritime Customs, be subject to payment of the import duties, and the certificates or bonds given at the frontier Customs shall not there be made use of. Neither will it be allowed to present there, in payment of duties, the quittances delivered by the frontier Customs on the first payment. As to transit dues, conformably to the rules in force at the open ports, when once they have been paid, bonds or exemption certificates will never be given in respect of these.

Exports: re-entry at frontier port;

ART. IX.—Chinese merchandise which, after having paid transit and export dues at one of the frontier Customs stations, may be sent to the other frontier Customs station to be sold, shall be subjected on its arrival at the second station only to a payment—called a re-importation duty—of one-half the export duty already collected. The merchandise conformably to the rules established in the open ports may not be transported into the interior by foreign merchants.

at Coast port.

If this Chinese merchandise be transported to one of the open ports of China, it will be assimilated to foreign merchandise, and shall pay a new import duty in full, conformably to the general tariff of the Imperial Maritime Customs.

This merchandise will be allowed to pay transit duty on being sent into the interior. Chinese merchandise imported from a Chinese seaport into an Annamite port in order to be transported to the land frontier and then to re-enter Chinese territory, will be treated as foreign merchandise and will pay the local import dues. This merchandise will be allowed to pay the transit duty on being sent into the interior.

Declaration of goods.

ART. X.—Declaration to the Chinese Customs must be made within thirty-six hours of the arrival of the goods under a penalty of Tls. 50 for each day's delay; but the fine shall not exceed Tls. 200. An inexact declaration of the quantity of the goods, if it is proved that it has been made with the intention of evading payment of the duties, will entail upon the merchant confiscation of his goods. Goods not provided with a permit from the chief of the Customs, which are clandestinely introduced by by-ways, and unpacked or sold, or which are intentionally smuggled, shall be entirely confiscated. In every case of false declaration or attempt to deceive the Customs as regards the quality or the real origin or real destination of goods for which transit passes have been applied the goods shall be liable to confiscation. The penalties shall be adjudged according to the conditions and procedure fixed by the Rules of 31st May, 1868. In all cases where confiscation

shall have been declared, the merchant shall be at liberty to recover his goods on payment of a sum equivalent to their value, to be duly settled by arrangement with the Chinese authorities. The Chinese authorities shall have every liberty to devise measures to be taken in China, along the frontier, to prevent smuggling.

Merchandise descending or ascending navigable rivers in French, Annamite, or Chinese vessels will not necessarily have to be landed at the frontier, unless there is an appearance of fraud, or a divergence between the nature of the cargo and the declaration of the manifest. The Customs will only send on board the said vessels agents to visit them.

Imports into Tonkin, rules.

ART. XI.—Produce of Chinese origin imported into Tonkin by the land frontier shall pay the import duty of the Franco-Annamite tariff. They will pay no export duty on leaving Tonkin. The Imperial Government will be notified of the new tariff which France will establish in Tonkin. If taxes of excise, of consumption, or of guarantee be established in Tonkin on any articles of indigenous production, similar Chinese productions will be subjected, on importation, to equivalent taxes.

Transit across Tonkin, rules.

ART. XII.—Chinese merchandise transported across Tonkin from one of the two frontier Customs stations to the other, or to an Annamite port to be from thence exported to China, shall be subjected to a specific transit duty which shall not exceed two per cent. of the value. At the point where it leaves Chinese territory this merchandise will be examined by the French Customs authorities on the frontier, who will specify its nature, quantity, and destination in a certificate which shall be produced whenever required by the French authorities during its transport across Tonkin, as well as at the port of shipment.

In order to guarantee the Franco-Annamite Customs against any possible fraud, such Chinese produce, on entering Tonkin, shall pay the import duty.

A transit permit will accompany the goods, to the place of leaving the country whether this be the port of transhipment or the land frontier, and the sum paid by the proprietor of the merchandise will, after deducting the transit dues, be then restored to him in exchange for the receipt delivered to him by the Tonkin Customs.

Every false declaration or act evidently intended to deceive the French administration as to the quality, quantity, real origin, or real destination of merchandise for which the special treatment applicable to Chinese products traversing Tonkin in transit is asked, will entail the confiscation of such merchandise. In every case where confiscation has been declared, the merchant shall be free to recover his goods on payment of a sum equivalent to their value, which shall be duly determined by an arrangement with the French authorities.

The same rules and the same transit duty will be applicable in Annam to Chinese merchandise despatched from a Chinese port to an Annamite port in order to get to the Chinese frontier Customs by crossing Tonkin.

List of articles free under certain conditions.

ART. XIII.—The following articles, that is to say, gold and silver ingots, foreign money, flour, Indian meal, sago, biscuits, preserved meats and vegetables, cheese, butter, confectionery, foreign clothing, jewellery, plated ware, perfumery, soaps of all kinds, charcoal, firewood, candles (foreign), tobacco, wine, beer, spirits, household stores, ship's stores, personal baggage, stationery, carpeting, cutlery, drugs, foreign medicines, and glassware, shall be verified by the Chinese Customs on their entry and clearance; if they are really of foreign origan and intended for the personal use of foreigners, and if they arrive in

moderate quantity, a duty exemption certificate will be given which will pass them free at the frontier. If these articles are withheld from declaration or the formality of an exemption certificate, their clandestine introduction will render them subject to the same penalty as smuggled goods.

With the exception of gold, silver, money, and luggage, which will remain exempt from duty, the above-mentioned articles destined for the personal use of foreigners and imported in moderate quantity will pay, when they are transported into the interior of China, a duty of 2½ per cent on their value.

The Franco-Annamite frontier Customs shall collect no duty on the following articles of personal use which Chinese carry with them, either on entering or leaving Tonkin, that is to say, money, luggage, clothes, women's head ornaments, papers, hair pencils, Chinese ink, furniture, or food, or on articles ordered by the Chinese Consuls in Tonkin for their personal consumption.

Trade in opium prohibited.

ART. XIV.—The high contracting parties agree to prohibit trade in and transport of opium of whatsoever origin by the land frontier between Tonkin* on the one side and Yünnan, Kwang-si, and Kwang-tung on the other side.

ART. XV.—The export of rice and of cereals from China is forbidden. The import of these articles shall be free of duty.

Contraband goods.

The import of the following articles into China is forbidden:— Gunpowder, projectiles, rifles and guns, saltpetre, sulphur, lead, spelter, arms, salt, and immoral publications.

In case of contravention these articles shall be entirely confiscated.

If the Chinese authorities have arms or munitions bought or if merchants receive express authority to buy them, the importation will be permitted under the special surveillance of the Chinese Customs. The Chinese authorities may, furthermore, by arrangement with the French Consuls, obtain for the arms and munitions which they wish to have conveyed to China through Tonkin exemption from all the Franco-Annamite duties.

The introduction into Tonkin of arms, munitions of war, and immoral publications is also prohibited.

Chinese in Annam, legal status.

ART. XVI.—Chinese residing in Annam shall be placed under the same conditions, with regard to criminal, fiscal, or other jurisdiction, as the subjects of the most favoured nation. Laws-suits which may arise in China, in the open markets on the frontier, between Chinese subjects and Frenchmen or Annamites shall be decided in a Mixed Court by Chinese French officers.

Crimes by French subjects.

With reference to crimes or offences committed by Frenchmen or persons under French protection in China, in the places opened to trade, the procedure shall be in conformity with the stipulations of Articles XXXIII and XXXIV of the treaty of the 27th June, 1858.

Deserters.

ART. XVII.—If in the places opened to trade on the frontier of China Chinese deserters or persons accused of crimes against the Chinese law shall take refuge in the houses or on board the vessels of Frenchmen or persons under French protection the local authority shall apply to the Consul, who, on proof of the guilt of the accused, shall immediately take the necessary measures in order that they may be given up and delivered to the regular course of the law.

Extradition.

Chinese guilty or accused of crimes or offences who seek refuge in Annam shall, on the request of the Chinese authorities and proof of their guilt, be sought for, arrested, and extradited in all cases where the subjects of the countries enjoying the most liberal treatment in the matter of extradition might be extradited from France.

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* Modified p. 249 Art. V.

Frenchmen guilty or accused of crimes or offences, who seek refuge in China, shall, at the request of the French authorities and on proof of their guilt, be arrested and delivered up to the said authorities to be tried according to the regular process of law.

On both sides all concealment and connivance shall be avoided.

Customs rules to apply generally.

ART. XVIII.—In any difficulty not provided for in the preceding provisions recourse shall be had to the rules of the Maritime Customs, which, in conformity with existing treaties, are now applied in the open towns or ports.

In case these rules are insufficient the representatives of the two countries shall refer the matter to their respective Governments.

In accordance with the terms of Article VIII of the treaty of the 9th June, 1885, the present stipulations may be revised ten years after the exchange of the ratifications.

ART. XIX.—The present Convention of Trade, after having been ratified by the Governments, shall be promulgated in France, in China, and in Annam.

The exchange of the ratifications shall take place at Peking within one year from the date of the signature of the Convention, or earlier if possible.

25th April, 1886.

Done at Tientsin, in four copies, the 25th April, 1886, corresponding to the 22nd day of the 3rd moon of the 12th year of Kwang Sü.

[L.S.]	(Signed)	G. COGORDAN.
,,	,,	E. BRUWAERT.
,,	,,	LI HUNG-CHANG.

ADDITIONAL CONVENTION BETWEEN FRANCE AND CHINA, 1887.

(Translated from the Chinese Text).

His Imperial Majesty the Emperor of China and President of the French Republic, desiring to strengthen the commercial relations between the two countries and also to ratify and give affect to the Treaty signed at Tientsin on the 25th April, 1886, have appointed Plenipotentiaries to take the necessary steps thereto. H.I.M. the Emperor of China has specially appointed H.I.H. Prince Ching and H. E. Sun Yu-wen, member of the Tsung-li Yamên and Vice-President of the Board of Works. The President of the Republic has appointed His Excellency Constans, Deputy, ex-Minister of the Interior, and Minister Plenipotentiary in China. Who, having exchanged their full powers and established their authenticity in due form, have agreed on the following Articles:—

Plenipotentiaries: Prince Ching, Sun Yu-wen, Constans.

ART. I.—Such articles of the Treaty signed at Tientsin as are not affected by this Convention shall on the exchange of the ratifications be put in force at once.

ART. II.—Whereas it was agreed by the Treaty of 1886 that Lungchow in Kwangsi and Mengtzu in Yunnan should be opened to trade, and whereas Manghao, which lies between Paosheng and Mengtzu, is on the direct road between the two places by water, it is agreed that this also shall be opened to trade on the same conditions as the other ports, and that a deputy of the Consul at Mengtzu shall be allowed to réside there.

Ports: Lungchow, Mengtzu, Manghao.

ART. III.—In order to develop the trade between China and Tonkin as rapidly as possible the tariff rules laid down in Articles VI and VII of the Treaty of 1886 are temporarily altered, and it is agreed that foreign goods imported to Yunnan and Kwangsi from Tonkin shall pay 70 per cent. of the import duties collected by the Customs at the Coast Ports in China, and that produce exported from China to Tonkin, shall pay 60 per cent. of the export duties in force at the Treaty Ports.

Tariff: Imports 7/10ths, Exports 6/10ths of existing tariff.

ART. IV.—Chinese produce which has paid import duties under Art. XI of the Treaty of 1886, and is transported through Tonkin to a port of shipment in Cochin-China, shall if exported thence to any other place than China pay export duties according to the Franco-Annamite tariff.

ART. V.—Trade in Chinese native opium by land is allowed on payment of an export duty of Tls. 20 per picul, but French merchants or persons under French protection may only purchase it at Lungchow, Mengtzu, and Manghao, but no more than Tls. 20 per picul shall be exacted from the Chinese merchants as inland dues. When opium is sold the seller shall give the buyer a receipt showing that the inland dues have been paid, which the exporter will hand to the Customs when paying export duty. It is agreed that opium re-imported to China by the Coast Ports cannot claim the privileges accorded other re-imports of goods of native origin.

Native Opium: rules for frontier trading.

Riverine tonnage dues at Lungchow.

ART. VI.—French and Tonkinese vessels other than men-of-war and vessels carrying troops and Government stores plying on the Songkat and Caobang Rivers between Langshan and Caobang shall pay a tonnage due of 5 candareens per ton at Lungchow, but all goods on board shall pass free. Goods may be imported to China by the Songkat and Caobang Rivers or overland by the Government road, but until the Chinese Government establishes Custom-houses on the frontier goods taken overland must not be sold at Lungchow until they have paid duty there.

Favoured nation treatment in frontier trade.

ART. VII.—It is agreed that should China enter into treaties with regard to commercial relations on her southern and south-western frontiers all privileges accorded by her to the most favoured nation are at once without further formality accorded to France.

ART. VIII.—The above Articles having been agreed to and translated into Chinese, H.I.H. the Prince on behalf of China and H.E. the Minister on behalf of France have signed duplicate copies and affixed their seals hereto.

ART. IX.—When the ratifications of this Convention and of the Treaty of 1886 shall have been exchanged they shall be put in force as if they were one Treaty.

ART X.—The ratifications of the Convention shall be exchanged at Peking when the assent of His Imperial Majesty the Emperor of China and of His Excellency the President of the French Republic shall have been signified.

26th June, 1887.

Signed at Peking on the 26th June, 1887.

[L.S.]	(Signed)	E. CONSTANS.
,,	,,	PRINCE CH'ING.
,,	,,	SUN YU-WEN.

ADDITIONAL ARTICLES TO THE AGREEMENT BETWEEN GREAT BRITAIN AND CHINA, SIGNED AT CHEFOO ON THE 13TH SEPTEMBER, 1876.

Signed at London, 18th July, 1885.

The Government of Great Britain and of China, considering that the arrangements proposed in Clauses 1 and 2 of Section III of the Agreement between Great Britain and China, signed at Chefoo on the 13th September, 1876 (hereinafter referred to as the "Chefoo Agreement"), in relation to the area within which *likin* ought not to be collected on foreign goods at the open ports, and to the definition of the Foreign Settlement area, require further consideration; also that the terms of Clause 3 of the same section are not sufficiently explicit to serve as an efficient regulation for the traffic in Opium, and recognizing the desirability of placing restrictions on the consumption of Opium, have agreed to the present Additional Article.

1.—As regards the arrangements above referred to and proposed in Clauses 1 and 2 of Section III of the Chefoo Agreement, it is agreed that they shall be reserved for further consideration between the two Governments.

2.—In lieu of the arrangement respecting Opium proposed in Clause 3 of Section III of the Chefoo Agreement, it is agreed that foreign Opium, when imported into China, shall be taken cognizance of by the Imperial Maritime Customs, and shall be deposited in bond, either in warehouses or receiving-hulks which have been approved of by the Customs, and that it shall not be removed thence until there shall have been paid to the Customs the Tariff duty of 30 taels per chest of 100 catties, and also a sum not exceeding 80 taels per like chest as *likin*.

3.—It is agreed that the aforesaid import and *likin* duties having been paid, the owner shall be allowed to have the Opium repacked in bond under the supervision of the Customs, and put into packages of such assorted sizes as he may select from such sizes as shall have been agreed upon by the Customs authorities and British Consul at the port of entry.

The Customs shall then, if required, issue gratuitously to the owner a transit certificate for each package, or one for any number of packages, at option of the owner.

Such certificate shall free the Opium to which it applies from the imposition of any further tax or duty whilst in transport in the interior, provided that the package has not been opened, and that the Customs seals, marks, and numbers on the packages have not been effaced or tampered with.

Such certificates shall have validity only in the hands of Chinese subjects and shall not entitle foreigners to convey or accompany any Opium in which they may be interested into the interior.

4.—It is agreed that the Regulations under which the said certificates are to be issued shall be the same for all the ports, and that the form shall be as follows:—

"*Opium Transit Certificates.*

"This is to certify that Tariff and *likin* duties at the rate of taels per chest of 100 catties have been paid on the Opium marked and numbered as under; and that, in conformity with the Additional Article signed at London the 18th July, 1885, and appended to the Agreement between Great Britain and China, signed at Chefoo the 13th September, 1876, and approved by the Imperial Decree printed on the back thereof, the production of this certificate will exempt the Opium to which it refers, wherever it may be found, from the imposition of any further tax or duty whatever, provided that the packages are unbroken, and the Customs seals, marks, and numbers have not been effaced or tampered with.

"Mark,	No.	
X	—	00 packages.

"Port of entry,

"Date,

"*Signature of Commissioner of Customs.*"

5.—The Chinese Government undertakes that when the packages shall have been opened at the place of consumption, the Opium shall not be subjected to any tax or contribution, direct or indirect, other than or in excess of such tax or contribution as is or may hereafter be levied on native Opium.

In the event of such tax or contribution being calculated *ad valorem*, the same rate, value for value, shall be assessed on foreign and native Opium, and in ascertaining for this purpose the value of foreign Opium the amount paid on it for *likin* at the port of entry shall be deducted from its market value.

6.—It is agreed that the present Additional Article shall be considered as forming part of the Chefoo Agreement, and that it shall have the same force and validity as if it were inserted therein word for word.

It shall come into operation six months after its signature, provided the ratifications have then been exchanged, or if they have not, then on the date at which such exchange takes places.

7.—The arrangement respecting Opium contained in the present Additional Article shall remain binding for four years, after the expiration of which period either Government may at any time give twelve months' notice of its desire to determine it, and such notice being given, it shall terminate accordingly.

It is, however, agreed that the Government of Great Britain shall have the right to terminate the same at any time should the transit certificate be found not to confer on the Opium complete exemption from all taxation whatsoever whilst being carried from the port of entry to the place of consumption in the interior.

In the event of the termination of the present Additional Article the arrangement with regard to Opium now in force under the regulations attached to the Treaty of Tientsin shall revive.

8.—The High Contracting Parties may, by common consent, adopt any modifications of the provisions of the present Additional Article which experience may show to be desirable.

9.—It is understood that the Commission provided for in Clause 7 of Section III of the Chefoo Agreement to inquire into the question of prevention of smuggling into China from Hongkong shall be appointed as soon as possible.

10.—The Chefoo Agreement, together with, and as modified by, the present Additional Article, shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the undersigned, duly authorized thereto by their respective Governments, have signed the present Additional Article, and have affixed thereto their seals.

Done at London, in quadruplicate (two in English and two in Chinese) this 18th day of July, 1885, being the seventh day of the sixth moon in the eleventh year of the reign of Kwang Sü.

[L.S.] (Signed) SALISBURY.
,, ,, TSENG.

THE MARQUIS TSÊNG TO THE MARQUIS OF SALISBURY.

Chinese Legation, London, 18th July, 1885.

MY LORD,

In reply to your Lordship's note of this date, I have the honour to state that the Imperial Government accept the following as the expression of the understanding which has been come to between the Governments of Great Britain and China in regard to the Additional Article to the Chefoo Agreement relative to opium, which has been signed this day:—

1.—It is understood that it shall be competent for Her Majesty's Government at once to withdraw from this new arrangement, and to revert to the system of taxation for Opium at present in operation in China, in case the Chinese Government shall fail to bring the other Treaty Powers to conform to the provisions of the said Additional Article.

2.—It is further understood that, in the event of the termination of the said Additional Article, the Chefoo Agreement, with the exception of Clause 3 of Section III, and with the modifications stipulated in Clause 1 of the said Additional Article, shall nevertheless remain in force.

THE OPIUM CONVENTION.

Memorandum of the basis of Agreement arrived at after discussion between Mr. James Russell, Puisne Judge of Hongkong; Sir Robert Hart, K.C.M.G., Inspector-General of Customs, and Shao Taotai, Joint Commissioners for China; and Mr. Byron Brenan, Her Majesty's Consul at Tientsin, in pursuance of Article 7 Section III of the Agreement between Great Britain and China, signed at Chefoo on the 15th September, 1876, and of Section 9 of the Additional Article to the said Agreement, signed at London on the 18th July, 1885.

Mr. Russell undertakes that the Government of Hongkong shall submit to the Legislative Council an Ordinance* for the regulation of the trade of the Colony in Raw Opium subject to conditions hereinafter set forth and providing:—

1.—For the prohibition to the import and export of Opium in quantities less than 1 chest. †

2.—For rendering illegal the possession of Raw Opium, its custody or control, in quantities less than one chest, except by the Opium Farmer.

3.—That all Opium arriving in the Colony be reported to the Harbour Master, and that no Opium shall be transhipped, landed, stored or moved from one store to another, or re-exported without a permit from the Harbour Master, and notice to the Opium Farmer.

4.—For the keeping by Importers, Exporters, and Godown Owners, in such form as the Governor may require, books shewing the movements of Opium.

5.—For taking stock of quantities in the stores, and search for deficiencies by the Opium Farmer, and for furnishing to the Harbour Master returns of stocks.

6.—For amendment of Harbour Regulations, as to the night clearances of junks.

The conditions on which it is agreed to submit the Ordinance are:—

1.—That China arranges with Macao for the adoption of equivalent measures.

2.—That the Hongkong Government shall be entitled to repeal the Ordinance if it be found to be injurious to the Revenue or to the legitimate trade of the Colony.

3.—That an Officer under the Foreign Inspectorate shall be established on Chinese Territory at a convenient spot on the Kowloon side for sale of Chinese Opium Duty Certificates, which shall be freely sold to all comers, and for such quantities of Opium as they may require.

4.—That Opium accompanied by such certificates, at the rate of not more than Tls. 100 per picul, shall be free from all further imposts of every sort, and have all the benefits stipulated for by the Additional Article on behalf of Opium on which duty has been paid at one of the ports of China, and that it may be made up in sealed parcels at the option of the purchaser.

5.—That junks trading between Chinese ports and Hongkong and their cargoes shall not be subject to any dues or duties in excess of those leviable on junks and their cargoes trading between Chinese ports and Macao, and that no dues whatsoever shall be demanded from junks coming to Hongkong from ports in China, or proceeding from Hongkong to ports in China, over and above the dues paid or payable at the ports of clearance or destination.

6.—That the Officer of the Foreign Inspectorate, who will be responsible for the management of the Kowloon Office, shall investigate and settle any complaints made by the junks trading with Hongkong against the Native Customs Revenue Stations or Cruisers in the neighbourhood, and that the Governor of Hongkong, if he deems it advisable, shall be entitled to send a Hongkong Officer to be present at and assist in the investigation and decision.

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* See Ordinance 22 of 1887.

† A modification allowing export is smaller quantities than one chest was subsequently agreed on.

If, however, they do not agree a reference may be made to the Authorties at Peking for joint decision.

Sir Robert Hart undertakes on behalf of himself and Shao Taotai (who was compelled by unavoidable circumstances to leave before the sittings of the Commission were terminated) that the Chinese Government shall agree to the above conditions.

The undersigned are of opinion that if these arrangements are fully carried out, a fairly satisfactory solution of the questions connected with the so-called "Hongkong Blockade" will have been arrived at.

Signed in triplicate at Hongkong, this 11th day of September, 1886.

THE BURMAH CONVENTION.

Signed at Peking, 4th February, 1897.

In consideration of the Government of Great Britain consenting to waive its objections to the alienation by China, by the Convention with France of June 20th, 1895, of territory forming a portion of Kiang Hung, in derogation of the provisions of the Convention between Great Britain and China of March 1st, 1894, it has been agreed between the Governments of Great Britain and China that the following additions and alterations shall be made in the last named Convention, hereinafter referred to as the Original Convention.

(Articles I. to XI. refer to the Burmah Frontier.)

ART. XII.—Add as follows:—The Chinese Government agree hereafter to consider whether the conditions of trade justify the construction of railways in Yunnan, and in the event of their construction, agrees to connect them with the Burmese lines.

ART. XIII.—Whereas by the Original Convention it was agreed that China might appoint a Consul in Burma to reside at Rangoon, and that Great Britain might appoint a Consul to reside at Manwyne, and that the Consul of the two Governments should each within the territories of the other enjoy the same privileges and immunities as the Consuls of the most favoured nation, and further that in proportion as the commerce between Burma and China increased, additional Consuls might be appointed by mutual consent to reside at such places in Burma and Yunnan as the requirements of trade might seem to demand.

It has now been agreed that the Government of Great Britain may station a Consuls at Momein or Shunning Fu as the Government of Great Britain may prefer, instead of at Manwyne as stipulated in the Original Convention, and also to station a Consul at Szumao.

British subjects and persons under British protection may establish themselves and trade at these places under the same conditions as at the Treaty Ports in China.

The Consuls appointed as above shall be on the same footing as regards correspondence and intercourse with Chinese officials as the British Consuls at the Treaty Ports.

ART. XIV.—Instead of "Her Britannic Majesty's Consul at Manwyne" in the Original Convention read "Her Britannic Majesty's Consul at Shunning 'or Momein,'" in accordance with the change made in Article XIII.

ART. XV.—No addition to Original Convention.

ART. XVI.—No addition to Original Convention.

ART. XVII.—No addition to Original Convention.

ART. XVIII.—No addition to Original Convention.

ART. XIX.—Add as follows:—Failing agreement as to the terms of revision, the present arrangement shall remain in force.

SPECIAL ARTICLE.

Whereas on the twentieth day of January one thousand eight hundred and ninety-six the Tsung-li Yamên addressed an official despatch to Her Majesty's Chargé d'Affaires at Peking, informing him that on the thirtieth day of December one thousand eight hundred and ninety-five they had submitted a Memorial respecting the opening of ports on the West River to foreign trade, and had received an Imperial Decree in approval of which they officially communicated a copy.

It has now been agreed that the following places, namely, Wuchow Fu in Kwangsi, and Samshui city and Bongkun Market in Kwangtung, shall be opened as Treaty Ports and Consular Stations with freedom of navigation for steamers between Samshui and Wuchow and Hongkong and Canton by a route from each of these latter places to be selected and notified in advance by the Maritime Customs, and that the following four places shall be established as ports of call for goods and passengers under the same regulations as the ports of call on the Yangtze River, namely, Kongmoon, Komchuk, Shiuhing and Takhing.

It is agreed that the present Agreement, together with the Special Article, shall come into force within four months of the date of signature, and that the ratifications thereof shall be exchanged at Peking as soon as possible.

In witness whereof the undersigned duly authorised thereto by their respective Governments have signed the present agreement.

Done at Peking in triplicate (three copies in English and three in Chinese) the fourth day of February in the year of Our Lord one thousand eight hundred and ninety-seven.

[Seal] (Sd.) CLAUDE M. MACDONALD.

[Seal] (Hieroglyphic) LI HUNG-CHANG.

KOWLOON EXTENSION AGREEMENT.

Whereas it has for many years past been recognised that an extension of Hongkong territory is necessary for the proper defence and protection of the colony.

It has now been agreed between the Governments of Great Britain and China that the limits of British territory shall be enlarged under lease to the extent indicated generally on the annexed map.

The exact boundaries shall be hereafter fixed when proper surveys have been made by officials appointed by the two Governments. The term of this lease shall be ninety-nine years.

It is at the same time agreed that within the City of Kowloon the Chinese officials now stationed there shall continue to exercise jurisdiction, except so far as may be inconsistent with the military requirements for the defence of Hongkong. Within the remainder of the newly-leased territory Great Britain shall have sole jurisdiction. Chinese officials and people shall be allowed, as heretofore, to use the road from Kowloon to Hsinan.

It is further agreed that the existing landing-place near Kowloon city shall be reserved for the convenience of Chinese men-of-war, merchant and passenger vessels, which may come and go and lie there at their pleasure; and for the convenience of movement of the officials and people within the city.

When, hereafter, China constructs a railway to the boundary of the Kowloon territory, under British control, arrangements shall be discussed.

It is further understood that there will be no expropriation or expulsion of the inhabitants of the district included within the extension, and that if land is required for public offices, fortifications, or the like official purposes, it shall be bought at a fair price.

If cases of extradition of criminals occur they shall be dealt with in accordance with the existing treaties between Great Britain and China and the Hongkong Regulations.

The area leased by Great Britain, as shown on the annexed map, includes the waters of Mirs Bay and Deep Bay, but it is agreed that Chinese vessels of war, whether neutral or otherwise, shall retain the right to use those waters.

This Convention shall come into force on the first day of July, eighteen hundred and ninety-eight, being the thirteenth day of the fifth moon of the twenty-fourth year of Kwang Hsü. It shall be ratified by the Sovereigns of the two countries, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed the present agreement.

Done at Peking in quadruplicate (four copies in English and in Chinese) the ninth day of June, in the year of Our Lord eighteen hundred and ninety-eight, being the twenty-first day of the fourth moon of the twenty-fourth year of Kwang Hsü.

CLAUDE M. MACDONALD.

LI HUNG-CHANG, } *Members of*
HSU TING-K'UEI, } *Tsung-li Yamên.*

THE WEIHAIWEI CONVENTION.

Signed in the English and Chinese languages, at Peking, 1st July, 1898.
Ratifications exchanged at London, 5th October, 1898.

In order to provide Great Britain with a suitable naval harbour in North China, and for the better protection of British commerce in the neighbouring seas, the Government of His Majesty the Emperor of China agrees to lease to the Government of Her Majesty the Queen of Great Britain and Ireland, Weihaiwei, in the province of Shantung, and the adjacent waters for so long a period as Port Arthur shall remain in the occupation of Russia.

The territory leased shall comprise the island of Liukung and all other islands in the Bay of Weihaiwei, and a belt of land ten English miles wide along the entire coast line of the Bay of Weihaiwei. Within the above-mentioned territory leased Great Britain shall have sole jurisdiction.

Great Britain shall have, in addition, the right to erect fortifications, station troops, or take any other measures necessary for defensive purposes, at any points on or near the coast of the region east of the meridian 121 degrees 40 min. E. of Greenwich, and to acquire on equitable compensation within that territory such sites as may be necessary for water supply, communications, and hospitals. Within that zone Chinese administration will not be interfered with, but no troops other than Chinese or British shall be allowed therein.

It is also agreed that within the walled city of Weihaiwei Chinese officials shall continue to exercise jurisdiction, except so far as may be inconsistent with naval and military requirements for the defence of the territory leased.

It is further agreed that Chinese vessels of war, whether neutral or otherwise, shall retain the right to use the waters herein leased to Great Britain.

It is further understood that there will be no expropriation or expulsion of the inhabitants of the territory herein specified, and that if land is required for fortifications, public offices, or any official or public purpose, it shall be bought at a fair price.

This Convention shall come into force on signature. It shall be ratified by the Sovereigns of the two countries, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed the present agreement.

Done at Peking in quadruplicate (four copies in English and four in Chinese) the first day of July in the year of Our Lord eighteen hundred and ninety-eight, being the thirteenth day of the 5th moon of the twenty-fourth year of Kwang Hsü.

CLAUDE M. MACDONALD.

PRINCE CHING,
Senior Member of the Tsung-li Yamên.

LIAO SHOU HENG,
President of Board of Punishments.

MEXICO.

TREATY OF COMMERCE BETWEEN MEXICO AND CHINA.

Plenipotentiaries.

The President of the United Mexican States and His Majesty the Emperor of China, being equally animated by the desire to establish friendly relations between the two countries and their citizens and subjects, have resolved to conclude a Treaty of friendship, commerce and navigation, and for that purpose have named their respective Plenipotentiaries, that is to say:

M. de Aspiroz, Wu Ting-fang.

The President of the United Mexican States, Manuel de Azpíroz, Ambassador Extraordinary and Plenipotentiary of the United Mexican States in Washington, and His Majesty the Emperor of China, Wu Ting-fang, an Official of the Second Rank, Minister of State of the Fourth Class by brevet, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, Spain and Peru;

And we, the said Plenipotentiaries, after having exhibited our respective full powers, and finding them in due and good form, have agreed upon the following articles:

Amity and protection.

ART. I.—There shall be perpetual, firm and sincere friendship between the United Mexican States and the Chinese Empire, as also between their respective citizens and subjects. They shall be at liberty to freely go to the respective countries of the High Contracting Parties and reside therein. They shall there have complete protection in their persons, families and property, and they shall enjoy all the rights and advantages which are granted to the subjects of the most favoured nation.

Diplomatic Representatives.

ART. II.—In order to facilitate friendly relations between the two countries, the President of the United Mexican States may appoint a Diplomatic Agent to the Court of Peking and His Majesty the Emperor of China, may, likewise, appoint a Diplomatic Agent near the Mexican Government.

Diplomatic privileges.

The Diplomatic Agents of each of the High Contracting Parties may reside permanently or temporarily in the Capital of the other, with their families and members of their suite, and enjoy, in the countries of their respective residence, the same prerogatives, exemptions, immunities and privileges granted to the Agents of the same rank of the most favoured nation.

Appointment of Consuls.

ART. III.—Each of the High Contracting Parties may appoint, at the ports or cities of the other, open to foreign commerce, Consuls-General, Consuls, Vice-Consuls and Consular Agents. These shall not enter in the discharge of their duties until they receive the Exequatur of the Government of the Country where they are to reside. The Exequatur shall be issued free of charge. At the ports or cities where no Consul is appointed, his functions may be performed by a Consul of a friendly nation. Where there is no Consul, the local authorities shall see that the citizens or subjects of the other Contracting Party enjoy the benefits of the present Treaty.

The Consular Officers of the High Contracting Parties shall perform all the functions and enjoy all the immunities and privileges which, in either of the two countries, are granted to the Consular Officers of the most favoured nation.

The Consular Officers shall not support the demands of their citizens or subjects if provocative or offensive to the authorities or inhabitants of their place of residence.

Should a Consular Officer adopt offensive conduct towards the laws of the country of his residence, the Exequatur may be withdrawn from him.

Mexican citizens may travel freely in China if furnished with passports.

ART. IV.—Mexican citizens shall be permitted to go into the interior of China and travel therein, provided they are furnished with a passpost issued, at the request of the Mexican Consul, by the Customs Taotai. This passport, written in the two languages, Spanish and Chinese, must be shown when the authorities of the place of transit ask it, and returned at the end of the journey. No obstacle shall be placed in the way of travellers engaging men, vehicles or vessels for the transportation of their baggage.

In case the traveller is not provided with the proper passport, or he commits an unlawful act, he shall be delivered for trial to the nearest Consul of Mexico or of a friendly nation previously designated by the Mexican Government. In this case the local authorities can only arrest the traveller without insulting him or permitting any violence to him.

Mexican citizens shall be at liberty to make excursions without the necessity of providing themselves with a passport, in the neighbourhood of the open ports, for a distance not exceeding one hundred *li*, and for a time not exceeding five days.

These stipulations are not applicable to the crews of vessels, who shall be subject, during their stay on land, to the regulations established by the Consuls and the authorities.

Chinese subjects may travel freely in Mexico.

Chinese subjects shall be at liberty to travel through all the territory of Mexico, as long as they conduct themselves peaceably and do not violate the laws and regulations of the country.

Emigration to be free and voluntary.

ART. V.—It is agreed between the two High Contracting Parties that the emigration of their respective subjects, whether accompanied by their families or not, shall be in future free and voluntary; consequently they disapprove of every act of violence or trickery which might be committed in the ports of China or anywhere else for the purpose of expatriating Chinese subjects, against their will.

Violations of emigration laws to be punished.

The two Governments engage themselves to prosecute with all the rigour of the laws any contravention of the preceding stipulation and to impose penalties established by their respective legislations upon the persons and ships who may violate this stipulation.

Mexican citizens may trade at open ports.

ART. VI.—Mexican citizens shall be at liberty to travel with their merchandise and engage in commercial pursuits in all the ports of China where the subjects of other nations are permitted to engage in commerce.

Chinese subjects may trade in Mexico; favoured nation privileges.

Chinese subjects shall, likewise, be at liberty to travel and engage in commerce in all places of the Mexican Republic, under the same conditions as the subjects of all other nations. It is to be understood that, in case either of the High Contracting Parties should hereafter grant, of its own accord, to any other nation, advantages subject to special conditions, the other Contracting Party shall enjoy said advantages, only provided it complies with the conditions imposed therein or their equivalent, to be mutually agreed upon.

Rules for vessels:

ART. VII.—The citizens or subjects and merchant vessels of each of the High Contracting Parties shall be subject, at the ports of the other open to foreign commerce, to the legal provisions which now regulate commerce with all other nations or which may be issued hereafter.

Existing Tariff between China and Western Powers to apply to Mexican citizens.

ART. VIII.—The import duties imposed in the United Mexican States on the produce of the soil and industry of China, and in the Empire of China on the produce of the soil and industry of Mexico, shall be no other nor higher than those to which the same produce of the most favoured nation are or may be subject.

The same principle shall be observed in regard to exportation.

No prohibition nor restriction of importation or exportation shall take place in the reciprocal commerce of both countries, unless it be likewise applied to all other nations, except for sanitary motives or for the purpose of preventing the propagation of epizooties or the loss of crops, or also in view of events of war.

Ships of war.

ART. IX.—The ships of war of each of the Contracting Parties shall be admitted into the ports of the other, where those vessels of all other nations are allowed to enter, and to be treated as those of the most favoured nation.

They shall have entire liberty to purchase provisions, coal, and the necessary articles for a voyage, as also to get water and have all necessary repairs made.

The ships of war shall be exempt from the payment of all duties, both on their arrival and departure.

The Commanders of Mexican ships of war in China and the local principal authorities shall mutually treat each other on the basis of equality.

Military services exempted.

ART. X.—The citizens or subjects of each of the Contracting Parties, in the dominions and posessions of the other, shall be exempt from all compulsory military service whatever, whether in the army, navy or national guard, or militia. They shall likewise be exempt from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service, and, finally, from forced loans and from charges, requisitions, and war contributions, unless imposed on real property when they shall pay them equally with nationals.

The vessels, cargoes, merchandise or effects of citizens or subjects of neither Contracting Party shall be detained for any military expeditions or for any public purpose whatever without corresponding compensation first being agreed upon and settled.

Merchant vessels may enter open ports;

ART. XI.—The merchant vessels of each of the Contracting Parties shall be at liberty to frequent the ports of the other open to foreign commerce or that may hereafter be opened.

It is, however, agreed that this concession does not extend to the coasting trade, granted only to the national vessels in the territory of each of the Contracting Parties. But, if one of them should permit it wholly or in part to any nation or nations, the other Party shall have the right to claim the same concessions or favours for its citizens or subjects, provided said Contracting Party is willing, on its part, to grant reciprocity in all its claims on this point.

Subject only to dues levied on vessels of other Treaty nations.

The vessels of each of the Contracting Parties shall not be subject, in the territory or ports of the other, on their entrance, departure or stay, to other or higher duties, charges or fees of public officials on account of tonnage, light-house, port, pilotage, quarantine, salvage, assistance in case of damage or shipwreck, nor to other charges or

duties, local or federal of whatever kind or denomination, than are paid or which may hereafter be paid by vessels of any other nation.

For the application of this and other articles of the present Treaty, those are to be understood as ports of each of the Contracting Parties, which are opened or that may hereafter be opened to the import and export trade by the respective Governments.

The two Contracting Parties agree upon considering a distance of three marine leagues, measured from the line of low tide, as the limit of their territorial waters, for everything relating to the vigilance and enforcement of the Custom-House regulations and the necessary measures for the prevention of smuggling.

The vessels of each of the High Contracting Parties which may have been disabled near the coasts of the other and may have to seek shelter in port, shall receive from the local authorities all the assistance which they can render.

The merchandise saved shall not be subject to the payment of duties, unless it shall be landed for the purpose of sale.

Such vessels shall be treated on the same terms as are granted under similar circumstances to those of other countries.

Rules to be established for engagements by contract.

ART. XII.—The engagement by contract of citizens or subjects of one country as labourers, servants or the like in plantations, mills, shops, business establishments or private families in the other country, shall be subject to rules to be established by mutual agreement between both High Contracting Parties.

Complaints to be settled, mutually if possible.

ART. XIII.—Mexicans in China who may have occasion of complaint against Chinese, shall lay their complaint before the Mexican Consul, who shall investigate the facts of the case and exert himself to bring about an amicable settlement.

If a Chinese should likewise have any occasion of complaint against a Mexican in China, the Mexican Consul shall listen to his complaint, and try to obtain a friendly settlement. Should the Consul be unable to reconcile the parties, the case is then to be submitted, in all equity, whether the plaintiff be a Mexican or a Chinese, only to the Court to which the accused is subject.

Criminals to be arrested and punished.

ART. XIV.—Mexican citizens in China who may commit any crime against Chinese subjects, shall be arrested by the Mexican Consular authorities and punished in accordance with the laws of Mexico .

Chinese subjects guilty of criminal acts against Mexican citizens in China, shall be arrested and punished by the Chinese authorities in conformity with the laws of China.

As a general rule, every civil or criminal suit instituted in China, between the citizens or subjects of the two Contracting Parties, shall be tried only according to the laws and by the authorities of the country to which the defendant or accused belongs.

The High Contracting Parties shall not be bound to reimburse any money that has been stolen or obtained by fraud, or owing by a citizen or subject of one of the two countries to a subject or citizen of the other country. In case of robbery or fraud the proceedings to be instituted shall be in accordance with the laws of the country to which the accused belongs, and in case of debt, the authorities of the country of the debtor shall do all they can to make the debtor comply with his obligation.

Should Chinese subjects in China, who are principal actors or accomplices of a crime, take refuge in the houses, warehouses or on board the merchant vessels of Mexican citizens, the Chinese authorities shall lay the facts in this case before the Mexican Consular Officers,

and they shall conjointly appoint agents for the apprehension of the criminals, who shall not be protected nor hidden.

Civil suits.

ART. XV.—All legal questions that may arise in China between Mexican citizens concerning their persons or property shall be subject to the exclusive jurisdiction of the Mexican authorities. Suits instituted in China between Mexican citizens and foreigners shall be decided only by the authorities of their respective countries.

When Chinese shall be concerned in suits, the proceedings shall be in accordance with the provisions of the two preceding articles.

Should the Chinese Government think proper, hereafter, to establish, in accord with foreign powers, a code for the purpose of settling the matter of jurisdiction over foreign subjects in China, Mexico shall have an equal share in said agreement.

Local authorities to punish disturbers of the peace.

ART. XVI.—Persons, of whatever condition they may be, who may land from vessels of one of the High Contracting Parties, at an open port of the other, and cause any disturbance on shore, within twenty-four hours of their landing, shall be punished by the proper local authorities, but only with fine or imprisonment in accordance with the usages established at said port.

Collisions in Chinese waters.

The questions arising from collisions in Chinese waters between vessels of the two countries, shall be decided by the authorities of the accused in accordance with the legal regulations in force in all countries respecting collisions.

Should the complainant not be satisfied with the decisions, the agents of the country to which he belongs shall be authorized to apply officially to the authorities that have tried the offender, and they shall retry the case and give a final and equitable decision on the same.

Chinese subjects in Mexico to enjoy judicial rights.

ART. XVII.—Chinese subjects in Mexico shall have free access to the judicial tribunals of the country for the defence of their legitimate rights. They shall enjoy, in this respect, the same rights and concessions enjoyed by Mexicans or by subjects of the most favoured nation.

ART. XVIII.—This Treaty shall be engrossed in the three languages Spanish, Chinese and English; the Spanish text shall be observed in Mexico, the Chinese text in China, and, in case of disagreement, the English version shall be decisive.

Modifications of Treaty.

ART. XIX.—This Treaty shall remain in force for ten years reckoned from the day of the exchange of ratifications. The High Contracting Parties can, at the expiration of that time, propose modifications by means of a notice to be given six months in advance; and if neither of them should do so, the Treaty shall continue to remain in force in all its provisions until the expiration of one year after one of the Parties has expressed to the other its intention of terminating it.

Ratifications.

ART. XX.—This Treaty shall be ratified by the two High Contracting Parties and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our respective seals.

Washington 14th December, 1899.

Done at Washington, in two originals in the three languages Spanish, Chinese and English, this fourteenth day of December of the year one thousand eight hundred and ninety-nine of the Christian era, corresponding to the twelfth day of the eleventh moon of the twenty-fifth year of Kwang Hsü.

[Seal.] MANUEL DE AZPÍROZ.

[Seal.] WU TING-FANG.

UNITED STATES.

IMMIGRATION AND COMMERCIAL TREATIES BETWEEN THE UNITED STATES AND CHINA.

SIGNED AT PEKING, IN THE ENGLISH AND CHINESE LANGUAGES ON THE 17TH NOVEMBER, 1880.

The Immigration Treaty.

Whereas, in the eighth year of Hien Fung, Anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China and to which were added in the 7th year of Tung Chi, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed; and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese labourers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which will not be in direct contravention of their spirit; now, therefore, the President of the United States of America appoints James B. Angell, of Michigan; John F. Swift, of California; and William H. Trescott, of South Carolina, as his Commissioners Plenipotentiary; and His Imperial Majesty the Emperor of China has appointed Pao Chun, a member of His Imperial Majesty's Privy Council and Superintendent of the Board Civil Office, and Li Hung Tsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modifications in existing treaties, have agreed upon the following articles in modification:—

ART. I.—Whenever, in the opinion of the Government of the United States, the coming of Chinese labourers to the United States, or their residence therein, affects, or threatens to affect, the interests of that country, or to endanger the good order of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as labourers, other classes not being included in the limitation. Legislation in regard to Chinese labourers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension, of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ART. II.—Chinese subjects, whether proceeding to the United States as traders or students, merchants, or from curiosity, together with their body and household servants, and Chinese labourers who are

now in the United States, shall be allowed to go and come of their own free will and accord and shall be accorded all the rights, privileges, immunities, and exemptions whch are accorded to the citizens and subjects of the most favoured nation.

ART. III.—If Chinese labourers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favoured nation, and to which they are entitled by treaty.

ART. IV.—The high contracting Powers, having agreed upon the foregoing Articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China, and if the measures, as effected, are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him, and the Chinese Foreign Office may also bring the matter to the notice of the U.S. Minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result. In faith whereof, the Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, there being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking, this 17th day of November, in the year of our Lord one thousand eight hundred and eighty, Kuang Hsü sixth year, tenth moon, fifteenth day. Signed and sealed by the above-named Commissioners of both Governments.

The Commercial Treaty.

The following is the text of the Commercial Treaty signed at the same place and time:—

The President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing treaties between the two Governments, have named as their Commissioners Plenipotentiary: The President of the United States of America, James B. Angell, of Michigan; John F. Swift, of California; and William H. Trescott, of South Carolina, as his Commissioners Plenipotentiary; and His Imperial Majesty the Emperor of China has appointed Pao Chun, a member of His Imperial Majesty's Privy Council and Superintendent of the Board of Civil Office; and Li Hung Tsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existng treaties, have agreed upon the following additional articles:—

ART. I.—The Governments of the United States and China recognizing the benefits of their past commercial relations, and in order to still further promote such relations between the citizens and subjects of the two Powers, mutually agree to give the most careful and favourable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

ART. II.—The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium in any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of China, or transport from one open port to any other open port, or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States, and the benefits of the favoured nation clauses in existing treaties shall not be claimed by the citizens or subjects of either Power as against the provisions of this article.

ART. III.—His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues or duties for imports or exports or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, or upon the produce, manufactures, or merchandise exported in the same to the United States, or any foreign country, or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation, or on those of Chinese subjects. The United States hereby promises and agrees that no other kind or higher rate of tonnage duties and dues for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of his Imperial Majesty, coming either directly or by way of any foreign port from any of the ports of China, which are open to foreign trade to the ports of the United States, or returning therefrom either directly or by way of any foreign port to any of the open ports of China, or upon the produce, manufactures, or merchandise imported in the same from China, or from any foreign country, than are imposed or levied on vessels of any other nations which make no discrimination against the United States in tonnage dues or duties on imports, exports, or coastwise trade, or than are imposed or levied on vessels and cargoes of citizens of the United States.

ART. IV.—When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interest of justice, and if he so desire, he shall have the right to be present and to examine and to cross-examine witnesses. If he is disastisfied with the proceedings, he shall be permitted to protest against them in debate. The law administered will be the law of the nationality of the officer trying the case.

In faith whereof, the respective Plenipotentiaries have signed and sealed the foregoing, at Peking, in English and Chinese, there being three originals of each text, of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord one thousand eight hundred and eighty, Kuang Sü sixth year tenth moon, fifteenth day.

(Signed) JAMES B. ANGELL.
,, JOHN F. SWIFT.
,, WILLIAM H. TRESCOTT.
,, PAO CHUN.
,, LI HUNG-TSAO.

IMMIGRATION PROHIBITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND CHINA, 1894.

RATIFICATIONS EXCHANGED AT WASHINGTON, 7TH DECEMBER, 1894.

Whereas, on the 17th of November, A.D. 1880, and of Kwanhsiu, the sixth year, the tenth month, and the 15th day, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to and their residence in the United States, and, whereas, the Government of China, in view of the antagonism and much depreciated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States; and, whereas, the two Governments desire to co-operate in prohibiting such emigration and to strengthen in many other ways the bonds of relationship between the two countries; and, whereas, the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other; now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State, as his Plenipotentiary, and his Imperial Majesty, the Emperor of China, has appointed Yang Yui, Officer of the Second Rank, Sub-director of the Court of Sacrificial Worship and Envoy Extraordinary and Minister Plenipotentiary, and the said Plenipotentiaries having exhibited their respective full powers, found to be in due form and good faith, have agreed upon the following articles:—

ART. I.—The high contracting parties agree that for a period of ten years, beginning with the date of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese labourers to the United States shall be absolutely prohibited.

ART. II.—The preceding article shall not apply to the return to the United States of any registered Chinese labourer who has a lawful wife, child, or parent in the United States or property therein of the

value of $1,000, or debts of like amount due to him and pending settlement. Nevertheless, every such Chinese labourer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family or property or debts as aforesaid, and shall be furnished by the said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of the treaty; and, should the written description aforesaid be proved to be false, the rights of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other course of disability beyond his control, such Chinese labourer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese Consul at the port of departure, and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese labourer shall be permitted to enter the United States by land or sea without producing to the proper officer of the Customs the return certificate herein required.

ART. III.—The provisions of the convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travellers for curiosity or pleasure, but not labourers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate either from their Government or from the Government of the country where they last resided, *viséd* by the diplomatic or consular representative of the United States in the country or port whence they depart. It is also agreed that Chinese labourers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent the said privilege of transit from being abused.

ART. IV.—In pursuance of Article 3 of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880, it is hereby understood and agreed, that Chinese labourers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the more favoured nations, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligations, as stated in the said Article 3, to exert all its power to secure protection to the person and property of all Chinese subjects in the United States.

ART. V.—The Government of the United States having, by an Act of Congress, approved May 5th, 1892, as amended and approved November 3rd, 1893, required all Chinese labourers lawfully within the United States, before the passage of the first-named Act, to be registered, as in the said Acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of the said Acts, and reciprocally the Government of the United States recognises the right of the Government of China to enact and enforce similar laws and regulations, for the registration, free of charge, of all labourers, skilled or unskilled (not merchants, as defined by the said Acts of Congress), citizens of the United States in China whether residing within or without the treaty ports. And the Govern-

ment of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

ART. VI.—This convention shall remain in force for a period of ten years, beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof, we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A.D. 1894.

WALTER Q. GRESHAM,
Secretary of State.

YANG YUI,
Chinese Minister to the United States.

RUSSIA.

TREATY BETWEEN RUSSIA AND CHINA.

SIGNED, IN THE RUSSIAN, CHINESE, AND FRENCH LANGUAGES, AT ST. PETERSBURG, 12TH FEBRUARY, 1881.

Ratifications exchanged at St. Petersburg, 19th August, 1881.

[*Translated from the French Text.*]

His Majesty the Emperor and Autocrat of all the Russias and His Majesty the Emperor of China, desiring to regulate some questions of frontier and trade touching the interests of the two Empires, in order to cement the relations of friendship between the two countries, have named for their plenipotentiaries, to the effect of establishing an agreement on these questions:—

His Majesty the Emperor of all the Russias: His Secretary of State, Nicholas de Giers, Senator, actual Privy Councillor, directing the Imperial Ministry of Foreign Affairs, and his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China, Eugène de Buzow, actual Councillor of State.

And His Majesty the Emperor of China: Tseng, Marquess of Neyong, Vice-President of the High Court of Justice, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias, furnished with special powers to sign the present Treaty in quality of Ambassador Extraordinary.

The above named plenipotentiaries, furnished with full powers, which have been found sufficient, have agreed upon the following stipulations:—

ART. I.—His Majesty the Emperor of all the Russias consents to the re-establishment of the Chinese Government in the country of Ili, temporarily occupied since 1871 by the Russian Armies. Russia remains in possession of this country, within the limits indicated by Article VII of the present Treaty.

ART. II.—His Majesty the Emperor of China engages to decree the proper measures to shelter the inhabitants of the country of Ili, of whatever race and to whatever religion they belong, from all prosecution, in their goods or in their persons, for acts committed during or after the troubles that have taken place in that country.

A proclamation in conformity with this engagement will be addressed by the Chinese authorities, in the name of His Majesty the Emperor of China, to the population of the country of Ili, before the restoration of this country to the said authorities.

ART. III.—The inhabitants of the country of Ili will be free to remain in the places of their actual residence as Chinese subjects, or to emigrate to Russia and to adopt Russian dependence. They will be called to pronounce themselves on this subject before the re-establish-

ment of Chinese authority in the country of Ili, and a delay of one year, from the date of the restoration of the country to the Chinese authorities, will be accorded to those who show a desire to emigrate to Russia. The Chinese will oppose no impediment to their emigration or to the transportation of their moveable property.

ART. IV.—Russian subjects possessing land in the country of Ili will keep their rights or property, even after the re-establishment of the authority of the Chinese Government in that country.

This provision is not applicable to the inhabitants of the country of Ili, who shall adopt Russian nationality upon the re-establishment of Chinese authority in this country.

Russian subjects whose lands are situated without places appropriated to Russian factories, in virtue of Article XIII of the Treaty of Kuldja of 1851, ought to discharge the same taxes and contributions as Chinese subjects.

ART. V.—The two governments will appoint commissioners of Kuldja, who will proceed to the restoration on the one part, to the resumption on the other, of the administration of the province of Ili, and who will be charged, in general, with the execution of the stipulations of the present Treaty relating to the re-establishment, in this country, of the Chinese Government.

The said commissioners will fulfil their commission, in conforming to the understanding which will be established as to the mode of restoration on the one part and of resumption on the other, of the administration of the country of Ili, between the Governor-General of Turkestan and the Governor-General of Shansi and Kansuh, charged by the two governments with the high direction of the affair.

The resumption of the country of Ili should be finished within a delay of three months or sooner, if it can be done, dating from the day of the arrival at Tashkend of the functionary who will be delegated by the Governor-General of Shansi and Kansuh to the Governor-General of Turkestan to notify to him the ratification and the promulgation of the present Treaty by His Majesty the Emperor of China.

ART. VI.—The Government of His Majesty the Emperor of China will pay to the Russian Government the sum of *nine millions of metallic roubles*, designed to cover the expenses occasioned by the occupation of the country of Ili by the Russian troops since 1871, to satisfy all the pecuniary claims arising from, up to the present day, the losses which Russian subjects have suffered in their goods pillaged on Chinese territories, and to furnish relief to the families of Russian subjects killed in armed attacks of which they have been victims on Chinese territory.

The above-mentioned sum of nine millions of metallic roubles will be paid within the term of two years from the date of the exchange of the ratifications of the present Treaty, according to the order and the conditions agreed upon between the two governments in the special Protocol annexed to the present Treaty.

ART. VII.—The western portion of the country of Ili is incorporated with Russia, in order to serve as a place of establishment for the inhabitants of this country, who shall adopt the Russian dependence and who, by this action, will have had to abandon the lands which they possessed there.

The frontier between the possessions of Russia and the Chinese province of Ili will follow, starting from the mountains Bèdjin-taou, the course of the river Khorgos, as far as the place where this river falls into the river Ili, and, crossing the latter, will take a direction to the

south, towards the mountains Ouzoun-taou leaving to the west the village of Koldjat. Proceding from this point it will follow, whilst being directed to the south, the delineation fixed by the Protocol signed at Tchugtuchack in 1864.

ART. VIII.—A part of the frontier line, fixed by the Protocol signed at Tchugtuchack in 1864, at the east of the Lake Zaisan, having been found defective, the two governments will name commissioners who will modify, by a common agreement, the ancient delineation in such a manner as to remove the defects pointed out and to establish an effective separation between the Kirghiz tribes submitted to the two Empires.

To the new delineation will be given, as much as possible, an intermediate direction between the old frontier and a straight line leading from the Kouitoun hill towards the Saour hills, crossing the Tcherny-Irtysh.

ART. IX.—The commissioners to be named by the two contracting parties will proceed to place posts of demarcation, as well on the delineation fixed by the preceding Articles VII and VIII, as on the parts of the frontier where posts have not yet been placed. The time and the place of meeting of these commissioners shall be fixed by an understanding between the two governments.

The two governments will also name commissioners to examine the frontier and to place posts of demarcation between the Russian province of Ferganah and the western part of the Chinese province of Kashgar. The commissioners will take for the base of their work the existing frontier.

ART. X.—The right recognised by the treaties of the Russian Government to nominate Consuls to Ili, to Tarbagatai, to Kashgar, and to Ourga is extended, from the present time, to the towns of Soutcheou (Tsia-yu-kwan) and of Turfan. In the following towns: Kobdo, Uliassoutai, Khami, Urumtsi, and Goutchen, the Russian Government will establish consulates in proportion to the development of commerce, and after an understanding with the Chinese Government.

The Consul of Soutcheou (Tsia-yu-kwan) and of Turfan will exercise consular functions in the neighbouring districts, where the interests of Russian subjects demand the presence.

The dispositions contained in Articles V. and VI. of the Treaty concluded at Peking in 1860, and relative to the concession of land for the houses for the consulates, for cemeteries, and for pasturage, will apply equally to the towns of Soutcheou (Tsia-yu-kwan) and of Turfan. The local authorities will aid the Consul to find provisional habitations until the time when the houses of the consulates shall be built.

The Russian Consuls in Mongolia and in the districts situated on the two slopes of the Tien-shan will make use of, for their journeys and for their correspondence, the postal institutions of the government, conformably to the stipulations of Article XI. of the Treaty of Tientsin and of Article XII. of the Treaty of Peking. The Chinese authorities, to whom they will address themselves for this purpose, will lend them aid and assistance.

The town of Turfan not being a locality open to foreign trade, the right of establishing a consulate will not be invoked as a precedent to obtain a right analogous to the ports of China for the provinces of the interior and for Manchuria.

ART. XI.—Russian Consuls will communicate, for affairs of service either with the local authorities of the town of their residence, or with the superior authorities of the circuit or of the province, according to

the interests which are respectively confided to them, the importance of the affairs to be treated of, and their prompt expedition shall require. As to the rules of etiquette to be observed at the time of their interviews and, in general, in their relations, they will be based upon the respect which the functionaries of two friendly powers reciprocally owe each other.

All the affairs which may arise on Chinese territory, on the subject of commercial or other transactions, between those under the jurisdiction of the two states, will be examined and regulated, by a common agreement, by the consuls and the Chinese authorities.

In law suits on commercial matters, the two parties will terminate their difference amicably by means of arbitrators chosen by one side and the other. If agreement is not established in this way, the affair will be examined and regulated by the authorities of the two states.

Engagements contracted in writing, between Russian and Chinese subjects, relative to orders for merchandise, to the transport of it, to the location of shops, of houses, and of other places, or relating to other transactions of the same kind, may be presented for legalisation by the consulates and by the superior local administrations, who are bound to legalise the documents which are presented to them. In case of non-execution of the engagements contracted, the Consul and the Chinese authorities will consult as to the measures necessary to secure the execution of these obligations.

ART. XII.—Russian subjects are authorized to carry on, as in the past, trade free of duties in Mongolia subject to China, as well in places and aimaks where there is a Chinese administration as in those where there is none.

Russian subjects will equally enjoy the right of carrying on trade free of duties in the towns and other localities of the provinces of Ili, of Tarbagatai, of Kashgar, of Urumtsi, and others situated on the slopes north and south of the chain of the Tien-shan as far as the Great Wall. This immunity will be abrogated when the development of the trade necessitates the establishment of a Customs tariff, comformable to an understanding to be come to by the two Governments.

Russian subjects can import into the above-named provinces of China and export from them every description of produce, of whatever origin they may be. They may make purchases and sales, whether in cash, or by way of exchange; they will have the right to make their payments in merchandise of every description.

ART. XIII.—In the places where the Russian Government will have the right to establish consulates, as well as in the town of Kalgan, Russian subjects may construct houses, shops, warehouses, and other buildings, on the lands which they will acquire by means of purchase, or which may be conceded to them by the local authorities, conformably to that which has been established for Ili and Tarbagatai, by Article XIII. of the Treaty of Kuldja of 1851.

The privileges granted to Russian subjects, in the town of Kalgan, where there will not be a consulate, constitute an exception which cannot be extended to any other locality of the interior provinces.

ART. XIV.—Russian merchants who may wish to dispatch merchandise from Russia, by land, into the interior provinces of China, can, as formerly, direct it by the towns of Kalgan and Tungchow, to the port of Tientsin, and from there, to the other ports and interior markets, and sell it in those different places,

Merchants will use this same route to export to Russia the merchandise purchased, as well in the towns and ports above named as in the interior markets.

They will equally have the right to repair, for matters of trade, to Soutcheou (Tsia-yu-kwan), the terminal point of the Russian caravans, and they will enjoy there all the rights granted to Russian trade at Tientsin.

ART. XV.—Trade by land, exercised by Russian subjects in the interior and exterior provinces of China, will be governed by the Regulations annexed to the present Treaty.

The commercial stipulations of the present Treaty, as well as the Regulations which serve as a supplement to it, can be revised after an interval of ten years has elapsed from the date of the exchange of ratifications of the Treaty; but if, in the course of six months before the expiration of this term, neither of the contracting parties manifest a desire to proceed to the revision, the trade stipulations as well as the Regulations will remain in force for a new term of ten years.

Trade by sea route of Russian subjects in China will be subject to the general regulations established for foreign maritime commerce in China. If it becomes necessary to make modifications in these regulations, the two Governments will establish an understanding on this subject.

ART. XVI.—If the development of Russian overland trade provokes the necessity of the establishment, for goods of export and import in China, of a Customs tariff, more in relation than the tariffs actually in force, to the necessities of that trade, the Russian and Chinese Governments will proceed to an understanding on this subject, by adopting as a base for settling the duties of entry and exit the rate of five per cent. of the value of the goods.

Until the establishment of this tariff, the export duties on some kinds of teas of inferior quality, acually imposed at the rates established for the tea of superior quality, will be diminished proportionately to their value. The settling of these duties will be proceeded with, for each kind of tea, by an understanding between the Chinese Government and the envoy of Russia to Peking, within the term of one year, at the latest, from the date of the exchange of the ratifications of the present Treaty.

ART. XVII.—Some divergencies of opinion having arisen hitherto as to the application of Article X. of the treaty concluded at Peking, in 1860, it is established by these presents, that the stipulations of the above-named article, relative to the recoveries to be effected, in case of theft and the harbouring of cattle beyond the frontier, will be for the future interpreted in the sense, that at the time of the discovery of the individuals guilty of theft or the harbouring of cattle, they will be condemned to pay the real value of the cattle which they have not restored. It is understood that in case of the insolvency of the individuals guilty of theft of cattle, the indemnity to be paid cannot be placed to the charge of the local authorities.

The frontier authorities of the two States will prosecute, with all the rigour of the laws of their country, the individuals guilty of the harbouring of or theft of cattle, and should take all measures in their power for the restitution to whom they belong of cattle diverted, or which may have passed the frontier.

The traces of cattle turned aside or which may have passed the frontier may be indicated, not only to the guards of the frontier posts, but also to the elders of the nearest villages.

ART. XVIII.—The stipulations of the Treaty concluded at Aigoun the 16th May, 1858, concerning the rights of the subjects of the two Empires to navigative the Amoor, the Sungari, and the Oussouri, and to carry on trade with the populations of the riverine localities, are and remain confirmed.

The two Governments will proceed to the establishment of an understanding concerning the mode of application of the said stipulations.

ART. XIX.—The stipulations of the old treaties between Russia and China, not modified by the present Treaty, remain in full vigour.

ART. XX.—The present Treaty, after having been ratified by the two Emperors, will be promulgated in each Empire, for the knowledge and governance of each one. The exchange of ratifications will take place at St. Petersburg, within a period of six months counting from the day of the signature of the Treaty.

Having concluded the above Article, plenipotentiaries of the two contracting parties have signed and sealed two copies of the present Treaty, in the Russian, Chinese, and French languages. Of the three texts, duly compared and found in agreement, the French text will be evidence for the interpretation of the present Treaty.

Done at St. Petersburg, the twelfth of February, eighteen hundred and eighty-one.

(Signed)	[L.S.]	NICOLAS DE GIERS.
,,	[L.S.]	EUGENE BUTZOW.
,,	[L.S.]	TSENG.

PROTOCOL.

In virtue of Article VI. of the Treaty signed to-day by the plenipotentiaries of the Russian and Chinese Governments, the Chinese Government will pay to the Russian Government the sum of *nine millions of metallic roubles*, designed to cover the expenses of the occupation of the country of Ili by the Russian troops and to satisfy divers pecuniary claims of Russian subjects. This sum shall be paid within a period of two years counting from the day of the exchange of the ratifications of the Treaty.

Desiring to fix the mode of payment of the aforementioned sum the undersigned have agreed as follows:—

The Chinese Government will pay the equivalent of the sum of nine millions of metallic roubles in pounds sterling, say one million four hundred and thirty-one thousand six hundred and sixty-four pounds sterling two shillings to Messrs. Baring Brothers & Co. in London, in six equal parts, of two hundred and thirty-eight thousand six hundred and ten pounds sterling thirteen shillings and eight pence each, less the customary bank charges which may be occasioned by the transfer of these payments to London.

The payments shall be scheduled at four months' distance the one from the other; the first shall be made four months after the exchange of the ratifications of the Treaty signed to-day, and the last two years after that exchange.

The present protocol will have the same force and value as if it had been inserted word for word in the Treaty signed to-day.

In faith of which the plenipotentiaries of the two Governments have signed the present protocol and have placed their seals to it.

Done at St. Petersburg, the twelfth of February, one thousand eight hundred and eighty-one.

(Signed)	[L.S.]	NICOLAS DE GIERS.
„	[L.S.]	EUGENE BUTZOW.
„	[L.S.]	TSENG.

PORT ARTHUR AND TALIENWAN AGREEMENT.

His Majesty the Emperor of China, on the sixth day of the third moon of the twenty-fourth year of Kuang Hsü (March 27, 1898), appointed the Grand Secretary, Li Hung-chang, and the Senior Vice-President of the Board of Revenue, Chang Yin-huan, as Plenipotentiaries to arrange with M. Pavloff, Chargé d'Affaires and Plenipotentiary for Russia, all matters connected with the leasing and use by Russia of Port Arthur and Talienwan.

The treaty arranged between them in this condition is as follows:

ART. I.—It being necessary for the due protection of her navy in the waters of North China that Russia should possess a station she can defend, the Emperor of China agrees to lease to Russia Port Arthur and Talienwan, together with the adjacent seas, but on the understanding that such lease shall not prejudice China's sovereignty over this territory.

ART. II.—The limits of the territory thus leased, for the reasons above stated, as well as the extent of territory north of Talienwan necessary for the defence of that now leased, and what shall be allowed to be leased shall be strictly defined and all details necessary to the carrying out of this treaty be arranged at St. Petersburg with Hsü Tajên so soon as possible after the signature of the present treaty, and embodied in a separate treaty. Once these limits have been determined, all land held by Chinese within such limits, as well as the adjacent waters, shall be held by Russia alone on lease.

ART. III.—The duration of the lease shall be 25 years from the day this treaty is signed, but may be extended by mutual agreement between Russia and China.

ART. IV.—The control of all military forces in the territory leased by Russia and of all naval forces in the adjacent seas, as well as of the civil officials in it, shall be vested in one high Russian official, who shall, however, be designated by some title other than Governor-General (Tsung-tu) or Governor (Hsün-fu). All Chinese military forces shall, without exception, be withdrawn from the territory, but it shall remain optional with the ordinary Chinese inhabitants either to remain or to go, and no coercion shall be used towards them in this matter. Should they remain, any Chinese charged with a criminal offence shall be handed over to the nearest Chinese official to be dealt with according to Art. VIII of the Russo-Chinese treaty of 1860.

ART. V.—To the north of the territory leased shall be a zone, the extent of which shall be arranged at St. Petersburg between Hsü Tajên and the Russian Foreign Office. Jurisdiction over this zone shall be vested in China, but China may not quarter troops in it except with the previous consent of Russia.

ART. VI.—The two nations agree that Port Arthur shall be a naval port for the sole use of Russian and Chinese men-of-war, and be considered as an unopened port so far as the naval and mercantile vessels of other nations are concerned. As regards Talienwan, one portion of the harbour shall be reserved exclusively for Russian and Chinese men-of-war, just like Port Arthur, but the remainder shall be a commercial port freely open to the merchant vessels of all countries.

ART. VII.—Port Arthur and Talienwan are the points in the territory leased most important for Russian military purposes. Russia shall, therefore, be at liberty to erect, at her own expense, forts and build barracks and provide defences at such places as she desires.

ART. VIII.—China agrees that the procedure sanctioned in 1896 regarding the construction of railroads by the board of the Eastern China Railway shall, from the date of the signature of this treaty, be extended so as to include the construction of a branch line to Talienwan, or, if necessary, in view of the interests involved, of a branch line to the most suitable point on the coast between Newchwang and the Yalu River. Further, the agreement entered into in September, 1896, between the Chinese Government and the Russo-Chinese Bank shall apply with equal strength to this line. The direction of this branch line and the places it shall touch shall be arranged between Hsü Tajên and the board of the Eastern Railroads. The construction of this line shall never, however, be made a ground for encroaching on the sovereignty or integrity of China.

ART. IX.—This treaty shall take full force and effect from the date it is signed, but the ratifications shall be exchanged in St. Petersburg.

Signed, March 27, 1898.

THE KIAOCHOW CONVENTION.

ART. I.—His Majesty the Emperor of China, being desirous of preserving the existing good relations with His Majesty the Emperor of Germany, and of promoting an increase of German power and influence in the Far East, sanctions the acquirement under lease by Germany of the land extending for 100 *li*, at high tide (at Kiaochow).

His Majesty the Emperor of China is willing that German troops should take possession of the above-mentioned territory at any time the Emperor of Germany chooses. China retains her sovereignty over this territory, and should she at any time wish to enact laws or carry out plans within the leased area, she shall be at liberty to enter into negotiations with Germany with reference thereto; provided always that such laws or plans shall not be prejudicial to German interests. Germany may engage in works for the public benefit, such as water works, within the territory covered by the lease, without reference to China. Should China wish to march troops or establish garrisons therein she can only do so after negotiating with and obtaining the express permission of Germany.

ART. II.—His Majesty the Emperor of Germany, being desirous like the rulers of certain other countries, of establishing a naval and coaling station and constructing dockyards on the coast of China, the Emperor of China agrees to lease to him for the purpose all the land on the southern and northern sides of Kiaochow Bay for a term of ninety-nine years. Germany is to be at liberty to erect forts on this land for the defence of her possessions therein.

ART. III.—During the continuance of the lease China shall have no voice in the government or administration of the leased territory. It will be governed and administered during the whole term of ninety-nine years solely by Germany, so that the possibility of friction between the two Powers may be reduced to the smallest magnitude. The lease covers the following districts:—

(a.)—All the land in the north-east of Lienhan, adjacent to the north-eastern mouth of the Bay, within a straight line drawn from the north-eastern corner of Yintao to Laoshan-wan.

(b.)—All the land in the south-west of Lienhan, adjacent to the southern mouth of the Bay, within a straight line drawn from a point on the shore of the Bay bearing south-west by south from Tsi-pe-shan-to.

(c.)—Tsi-pe-shan-to and Yintao.

(d.)—The whole area of the Bay of Kiaochow covered at high-water.

(e.)—Certain islands at the entrance of the Bay which are ceded for the purpose of erecting forts for the defence of the German possessions. The boundaries of the leased territory shall hereafter be more exactly defined by a commission appointed jointly by the Chinese and German Governments, and consisting of Chinese and German subjects. Chinese ships of war and merchant-ships, and ships of war and merchant ships of countries having treaties and in a state of amity with China shall receive equal treatment with German ships of war and merchant ships in Kiaochow Bay during the continuance of the lease. Germany is at liberty to enact any regulations she desires for the government of the territory and harbour, provided such regulation apply impartially to the ships of all nations, Germany and China included.

ART. IV.—Germany shall be at liberty to erect whatever light-houses, beacons, and other aids to navigation she chooses within the territory leased, and along the islands and coasts approaching the entrance to the harbour. Vessels of China and vessels of other countries entering the harbour shall be liable to special duties for the repair and maintenance of all light-houses, beacons and other aids to navigation which Germany may erect and establish. Chinese vessels shall be exempt from other special duties.

ART. V.—Should Germany desire to give up her interest in the leased territory before the expiration of ninety-nine years, China shall take over the whole area, and pay Germany for whatever German property may at the times of surrender be there situated. In cases of such surrender taking place Germany shall be at liberty to lease some other point along the coast. Germany shall not cede the territory leased to any other Power than China. Chinese subjects shall be allowed to live in the territory leased, under the protection of the German authorities, and there carry on their avocations and business as long as they conduct themselves as peaceable and law-abiding citizens. Germany shall pay a reasonable price to the native proprietors for whatever lands her Government or subjects require. Fugitive Chinese criminals taking refuge in the leased territory shall be arrested and surrendered to the Chinese authorities for trial and punishment, upon application to the German authorities, but the Chinese authorities shall not be at liberty to send agents into the leased territory to make arrests. The German authorities shall not interfere with the *likin* stations outside but adjacent to the territory.

THE RAILWAY AND MINING CONCESSION.

ART. I.—The Chinese Government sanctions the construction by Germany of two lines of railway in Shantung. The first will run from Kiaochow and Tsinan-fu to the boundary of Shantung province, *viâ* Wei-hsien, Tsingchow, Pashan, Tsechuen and Suiping. The second line will connect Kiaochow with Chinchow, whence an extension will be constructed to Tsinan through Laiwu-hsien. The construction of this extension shall not be begun until the first part of the line, the main line, is completed, in order to give the Chinese an opportunity of connecting this line in the most advantageous manner with their own railway system. What places the line from Tsinan-fu to the provincial boundary shall take in *en route* is to be determined hereafter.

ART. II.—In order to carry out the above-mentioned railway work a Chino-German company shall be formed, with branches at whatever places may be necessary, and in this Company both Germany and Chinese subjects shall be at liberty to invest money if they so choose, and appoint directors for the management of the undertaking.

ART. III.—All arrangements in connection with the works specified shall be determined by a future conference of German and Chinese representatives. The Chinese Government shall afford every facility and protection and extend every welcome to representatives of the German Railway Company operating in Chinese territory. Profits derived from the working of these railways shall be justly divided *pro rata* between the shareholders without regard to nationality. The object of constructing these lines is solely the development of commerce. In inaugurating a railway system in Shantung Germany entertains no treacherous intention towards China, and undertakes not to unlawfully seize any land in the province.

ART. IV.—The Chinese Government shall allow German subjects to hold and develope mining property for a distance of 30 *li* from each side of these railways and along the whole extent of the lines. The following places where mining operations may be carried on are particularly specified along the northern railway from Kiaochow to Tsinan, Weihsien, Pa-shan-hsien and various other points; and along the Southern Kiaochow-Tsinan-Chinchow line, Chinchow-fu, Luiwu-hsien, etc. Chinese capital may be invested in these operations and arrangements for carrying on the work shall hereafter be made by a joint conference of Chinese and German representatives. All German subjects engaged in such works in Chinese territory shall be properly protected and welcomed by the Chinese authorities and all profits derived shall be fairly divided between Chinese and German share-holders according to the extent of the interest they hold in the undertakings. In trying to develope mining property in China, Germany is actuated by no treacherous motives against this country, but seeks alone to increase commerce and improve the relations between the two countries.

If at any time the Chinese should form schemes for the development of Shantung, for the execution of which it is necessary to obtain foreign capital, the Chinese Government, or whatever Chinese may be interested in such schemes, shall, in the first instance, apply to German capitalists. Application shall also be made to German manufacturers for the necessary machinery and materials before the manufacturers of any other Power are approached. Should German capitalists or manufacturers decline to take up the business the Chinese shall then be at liberty to obtain money and materials from sources of other nationality than German.

This convention requires the sanction of His Majesty the Emperor of China and His Majesty the Emperor of Germany. When the sanction of His Majesty the Emperor of China reaches Berlin the agreement approved by His Majesty the Emperor of Germany shall be handed to the Chinese Ambassador. When the final draft is agreed to by both parties four clean copies of it shall be made, two in Chinese and two in German, which shall be duly signed by the Chinese and German Minister at Berlin and Peking. Each Power shall retain one Chinese copy and one German copy, and the agreement shall be faithfully observed on either side.

Dated, the fourteenth day of the second moon of the twenty-fourth year of Kuang Hsü. (March 6th, 1898.)

PROTOCOLE FINAL.

Nous sommes heureux de pouvoir être les premiers à offrir à nos lecteurs le texte authentique du Protocole final que nous venons de recevoir de Pékin:

Les Plénipotentiaires:

D'ALLEMAGNE:

Son Excellence M. A. MUMM VON SCHWARZENSTEIN;

D'AUTRICHE-HONGRIE:

Son Excellence le Baron M. CZIKANN VON WAHLBORN;

DE BELGIQUE:

Son Excellence M. JOOSTEN;

D'ESPAGNE:

Son Excellence M. B. J. DE COLOGAN;

DES ETATS-UNIS D'AMÉRIQUE:

Son Excellence M. W. W. ROCKHILL;

DE FRANCE:

Son Excellence M. P. BEAU;

DE LA GRANDE-BRETAGNE:

Son Excellence SIR ERNEST SATOW;

D'ITALIE:

Son Excellence le MARQUIS SALVAGO RAGGI;

DU JAPON:

Son Excellence M. JIUTARO KOMURA;

DES PAYS BAS:

Son Excellence M. F. M. KNOBEL;

DE RUSSIE:

Son Excellence M. M. DE GIERS;

DE CHINE:

Son Altesse YI-K'OUANG, Prince du Premier Rang K'ING, Président du Ministère des Affaires Etrangères;

Et

Son Excellence LI HONG-TCHANG, Comte du Premier Rang SOU-YI Tuteur de l'Héritier Présomptif, Grand Secrétaire du Wen-Houa-Tien, Ministre du Commerce, Surintendant des Ports du Nord, Gouverneur Général du Tcheli;

se sont réunis pour constater que la Chine s'est conformée, à la satisfaction des Puissances, aux conditions énumérées dans la Note du 22 décembre 1900 et qui ont été acceptées, dans leur entier, par S. M. l'Empereur de Chine, par un décret en date du 27 décembre 1900. *(annexe no. 1).*

ART. I. *(a)*.—Par un Edit Impérial du 9 juin dernier *(annexe no. 2)* Tsai-feng, Prince du Premier Rang Tch'oun, a été nommé Ambassadeur de Sa Majesté l'Empereur de Chine et a été chargé, en cette qualité, de porter à Sa Majesté l'Empereur d'Allemagne l'expression des regrets de Sa Majesté l'Empereur de Chine et du Gouvernement Chinois, au sujet de l'assassinat de feu Son Excellence le Baron von Ketteler d'Allemagne.

Le Prince Tch'oun a quitté Pékin le 12 juillet dernier pour exécuter les ordres qui lui ont été donnés.

ART. I. *(b)*.—Le Gouvernement Chinois a déclaré qu'il érigera sur le lieu de l'assassinat de feu Son Excellence le Baron von Ketteler un monument commémoratif, digne du rang du défunt, et portant une inscription en langues latine, allemande et chinoise, qui exprimera les regrets de Sa Majesté l'Empereur de Chine à propos du meurtre commis.

Leurs Excellences les Plénipotentiaires Chinois ont fait savoir à Son Excellence le Plénipotentiaire d'Allemagne, par une lettre en date du 22 juillet dernier *(annexe no. 3)*, qu'un portique de toute la largeur de la rue est érigé sur le dit lieu et que les travaux ont commencé le 25 juin dernier.

ART. II. *(a)*.—Des Edits Impériaux en date des 13 et 21 février 1901 *(annexes nos. 4, 5 et 6)*, ont infligé les peines suivantes aux principaux auteurs des attentats et des crimes commis contre les Gouvernements Etrangers et leurs nationaux.

Tsai-yi, Prince Touan et Tsai-lan, Duc Fou-kuo, ont été traduits pour être exécutés devant la Cour d'assises d'Automne et il a été stipulé que si l'Empereur croit devoir leur faire grâce de la vie, ils seront exilés au Turkestan et y seront emprisonnés à perpétuité, sans que cette peine puisse jamais être commuée.

Tsai-hiun, Prince Tchouang, Ying-nien, Président de la Cour des Censeurs, et Tchao Chou-kiao, Président au Ministère de la Justice, ont été condamnés à se donner la mort.

Yu-hien, Gouverneur du Chan-si, Ki-sieou, Président au Ministère des Rites, et Siu Tch'eng-yu, précédemment Directeur de gauche au Ministère de la Justice, ont été condamnés à la peine de mort.

La dégradation posthume a été prononcée contre Kang-yi, Sous-Grand Secrétaire d'Etat, Président au Ministère de l'Intérieur; Siu-t'ong, Grand Secrétaire d'Etat et Li Ping-heng, ancien Gouverneur Général du Sze-Tch'ouan.

Un Edit Impérial du 13 février 1901 *(annexe no. 7)* a réhabilité la mémoire de Siu Yong-Yi, Président au Ministère de la Guerre, Li-Chan, Président au Ministère des Finances, Hiu King-Tcheng. Directeur de gauche au Ministère de l'Intérieur, Lien-Yuan, Vice-Chancelier au Grand Secrétariat, et Yuan- Tch'ang, Directeur à la Cour des Sacrifices, qui avaient été mis à mort pour avoir protesté contre les abominables violations du droit international commises au cours de l'année dernière.

Le Prince Tchouang s'est donné la mort le 21 février 1901, Yung-Nien et Tchao-Chou-Kiao le 24; Yu-Hien a été exécuté le 22, enfin K'i-Sieou et Siu-Tch'eng-Yu, le 26.

Tong-Fou-Siang, Général au Kan-Sou, a été privé de ses fonctions par Edit Impérial du 13 février en attendant qu'il soit statué sur la peine définitive à lui infliger.

Des Edits Impériaux des 29 avril et 19 août 1901 ont infligé des peines graduelles aux fonctionnaires des provinces reconnus coupables des crimes et attentats commis au cours de l'été dernier.

ART. II. *(b)*.—Un Edit Impérial promulgué le 19 août 1901 *(annexe no. 8)* a ordonné la suspension des examens officiels pendant cinq ans dans toutes les villes où des étrangers ont été massacrés ou ont subi des traitements cruels.

ART. III.—Afin d'accorder une réparation honorable pour l'assassinat de feu M. Sougiyama, Chancelier de la Légation du Japan, Sa Majesté l'Empereur de Chine a, par un Edit Impérial du 18 juin 1901 *(annexe no. 9)*, désigné le Vice-Président au Ministère des Finances, Nat'ong, comme Envoyé Extraordinaire, et l'a chargé spécialement de porter à Sa Majesté l'Empereur du Japan l'expression des regrets de Sa Majesté l'Empereur de Chine et de son Gouvernement au sujet de l'assassinat de feu M. Sougiyama.

ART. IV.—Le Gouvernement Chinois s'est engagé à ériger un monument expiatoire dans chacun des cimetières étrangers ou internationaux qui ont été profanés et dont les tombes ont été détruites. D'accord avec les représentant des Puissances, il a été convenu que les Légations intéressées donneront les indications pour l'érection de ces monuments, à charge, par la Chine d'en couvrir tous les frais, évalués à dix mille taels pour les cimetiéres de Pékin et des environs, à cinq mille taels pour les cimetières des provinces. Ces sommes ont été versées, et la liste de ces cimetières est ci-jointe *(annexe no. 10)*.

ART. V.—La Chine a accepté de prohiber sur son territoire l'importation des armes et des munitions ainsi que du matériel destiné exclusivement à la fabrication des armes et des munitions.

Un Edit Impérial a été rendu le 25 août 1901 *(annexe no. 11)*, pour interdire cette importation pendant une durée de deux années.

De nouveaux Edits pourront être rendus par la suite pour proroger le terme de deux ans en deux ans, dans le cas de nécessité reconnue par les Puissances.

ART. VI.—Par un Edit Impérial en date du 22 mai 1901 *(annexe no. 12)* Sa Majesté l'Empereur de Chine s'est engagé à payer aux Puissances une indemnité de quatre cent cinquante millions de Hai Kouan taels. Cette somme représente le total des indemnités pour les Etats, les sociétés, les particuliers et les Chinois visés à l'Article VI de la Note du 22 décembre 1900 (1).

(a) Ces quatre cent cinquante millions constituent une dette en or, calculée au cours du Hai Kouan tael par rapport à la monnaie d'or de chaque pays tels qu'ils sont indiqués ci-après:

1 Hai Kouan Tael	= Marks	3,055
	= Couronnes austro-hongroises ...	3,595
	= Dollar or	0,742
	= Francs...	3,750
	= Livre sterling...	0,3s 0d
	= Yen	1,407
	= Florins néerlandais	1,796
	= Rouble or	1,412

(au titre de dolies 17,424).

Cette somme en or sera productive d'intérêts à quatre pour cent l'an et le capital en sera remboursé par la Chine en trente neuf années

(1) Le Protocole marque, par erreur, 1901.

dans les conditions indiquées au plan d'amortissement ci-joint *(annexe no. 13)*. Le capital et les intérêts seront payables en or ou au taux de change correspondant aux dates des diverses échéances.

Le fonctionnement de l'amortissement commencera le 1er janvier 1902 pour finir à l'expiration de l'année 1940. Les amortissements seront payables annuellement, la première échéance étant fixée au 1er janvier 1903. Les intérêts seront comptés à partir du 1er juillet 1901, mais le Gouvernement Chinois aura la faculté de se libérer, dans un délai de 3 ans, commençant le 1er janvier 1902, des arrérages du 1er semestre finissant le 31 décembre 1901, à la condition toutefois de payer des intérêts composés à quatre pour cent l'an sur les sommes dont le versement aura ainsi été différé. Les intérêts seront payables semestriellement, la première échéance étant fixée au 1er juillet 1902.

(b) Le service de la Dette sera effectué à Shanghai et de la manière suivante :

Chaque Puissance se fera représenter par un délégué dans une Commission de banquiers qui sera chargée d'encaisser le montant des intérêts et des amortissements qui lui sera versé par des autorités chinoises désignées à cet effet, de le répartir entre les intéressés et d'en donner quittance.

(c) Le Gouvernement Chinois remettra au Doyen du Corps Diplomatique à Pékin, un bon global qui sera transformé ultérieurement en coupures revêtues de la signature des Délégués du Gouvernement Chinois désignés à cet effet. Cette opération et toutes celles se rapportant à l'établissement des titres seront effectuées par la Commission précitée conformément aux instructions que les Puissances enverront à leurs déléguès.

(d) Le produit des ressources affectées au paiement des bons sera versé mensuellement entre les mains de la Commission.

(e) Les ressources affectées à la garantie des bons sont énumérées ci après :

1°.—Le reliquat des revenus de la Douane Maritime Impériale après paiement de l'intérêt et de l'amortissement des emprunts antérieurs gagés sur ces revenus, augmentés du produit de l'élévation à cinq pour cent effectifs du tarif actuel sur les importations maritimes, y compris les articles qui jusqu'à présent entraient en franchise, à l'exception du riz, des céréales et des farines de provenance étrangère ainsi que de l'or et de l'argent monnayés ou non monnayés.

2°.—Les revenus des Douanes indigènes administrées dans les ports ouverts par la Douane maritime Impériale.

3°.—L'ensemble des revenus de la gabelle, sous réserve de la fraction affectée précédement à d'autres emprunts étrangers.

L'élévation du tarif actuel sur les importations à cinq pour cent effectifs est consentie aux conditions ci-après.

La mise en vigueur de cette élévation commencera deux mois après la date de la signature du présent protocole, et il ne sera fait d'exception que pour les marchandises en cours de route, au plus tard dix jours après cette date.

1°.—Tous les droits sur les importations perçus *ad valorem* seront convertis en droits spécifiques autant qu'il sera possible de le faire, et dans le plus bref délai. Cette conversion sera établie comme suit :

On prendra comme base d'évaluation la valeur moyenne des marchandises au moment de leur débarquement pendant les trois

années 1897, 1898 et 1899, c'est-à-dire la valeur du marché, déduction faite du montant des droits d'entrée et des frais accessoires.

En attendant le résultat de cette conversion, les droits seront perçus *ad valorem*.

2.—Le cours du Peï-ho et celui du Whang-pou seront améliorés avec la participation financière de la Chine.

ART. VII.—Le Gouvernement Chinois a accepté que le quartier occupé par les Légations fût considéré comme un quartier spécialement réservé à leur usage et placé sous leur police exclusive, où les Chinois n'auraient pas le droit de résider, et qui pourrait être mis en état de défense.

Les limites de ce quartier ont été ainsi fixées sur le plan ci-joint *(annexe no. 14)*.

A l'ouest, la ligne, 1, 2, 3, 4, 5;
Au nord, la ligne 5, 6, 7, 8, 9, 10;
A l'est, la rue Ketteler: 10, 11, 12.

Au sud, la ligne 12, 1, tirée le long du pied extérieur de la muraille tartare en suivant les bastions.

Par le protocole annexé à la lettre du 16 janvier 1901, la Chine a reconnu à chaque Puissance le droit d'entretenir une garde permanente dans le dit quartier pour la défense de sa Légation.

ART. VIII.—Le Gouvernement Chinois a consenti à faire raser les forts de Takou et ceux qui pourraient empêcher les libres communications entre Pékin et la mer.

Des dispositions ont été prises à cet effet.

ART. IX.—Le Gouvernement Chinois a reconnu aux Puissances, par le protocole annexé à la lettre du 16 janvier 1901, le droit d'occuper certains points, à déterminer par un accord entre Elles, pour maintenir les communications libres entre la capitale et la mer.

Les points occupés par les Puissances sont: Houan-ts'oun, Lang-fang Yang-Ts'oun, Tien-tsin, Kiun-léang-tchang, T'ang-kou, Lou-tai, T'ang-chan, Louan-tchéou, Tchang-li, Ts'in-wang-tao, Chan-hai-Kouan.

ART. X.—Le Gouvernement Chinois s'est engagé à afficher et à publier pendant deux ans dans toutes les villes de district les Edits Impériaux suivants:

(a) Edit du 1er février 1901 *(annexe no. 15)* portant défense perpétuelle sous peine de mort, de faire partie d'une société anti-étrangère;

(b) Edits des 13 et 21 février, 21 avril et 19 août 1901, contenant l'énumération des peines qui ont été infligées aux coupables.

(c) Edit du 19 août 1901 supprimant les examens dans toutes les villes où des étrangers ont été massacrés ou ont subi des traitements cruels;

(d) Edit du 1er février 1901 *(annexe no. 16)* déclarant que tous les Gouverneurs généraux, Gouverneurs et fonctionnaires provinciaux ou locaux, sont responsables de l'ordre dans leur circonscription et, qu'en cas de nouveaux troubles anti-étrangers ou encore d'autres infractions aux traités qui n'auraient pas été immédiatement réprimés et dont les coupables n'auraient pas été punis, ces fonctionnaires seront immédiatement révoqués sans pouvoir être appelés à de nouvelles fonctions ni recevoir de nouveaux honneurs.

L'affichage de ces Edits se poursuit progressivement dans tout l'Empire.

ART. XI.—Le Gouvernement Chinois s'est engagé à négocier les amendements jugés utiles, par les Gouvernements Etrangers, aux traités de commerce et de navigation, et les autres sujets touchant aux relations commerciales, dans le but de les faciliter.

Dés maintenant et par suite de stipulations inscrites à l'article VI au sujet de l'indemnité, le Gouvernement Chinois s'engage à concourir à l'amélioration du cours des rivières Pei-ho et Whang-pou comme il est dit ci-dressous.

(a) Les travaux d'amélioration de la navigabilité du Pei-ho, commencés en 1898 avec la coopération du Gouvernement Chinois, ont été repris sous la direction d'une Commission internationale.

Aussitôt après que l'administration de Tien-tsin aura été remise au Gouvernement Chinois, celui-ci pourra se faire représenter dans cette Commission et versera chaque année une somme de soixante mille Hai Kouan taels pour l'entretien des travaux.

(b) Il est créé un Conseil fluvial chargé de la direction et du contrôle des travaux de rectification du Whang-pou et d'amélioration du cours de cette rivière.

Ce conseil est composé de membres représentant les intérêts du Gouvernement Chinois et ceux des étrangers dans le commerce maritime de Shanghai.

Les frais nécessités par les travaux et l'administration générale de l'entreprise sont évalués à la somme annuelle de quatre cent soixante mille Hai Kouan taels pendant les vingt première années.

Cette somme sera fournie par moitié par le Gouvernement Chinois et par les intéressés étrangers.

Le detail des stipulations se rapportant à la composition, aux attributions et aux revenus du Conseil fluvial, fait l'objet de l'*annexe no. 17.*

ART. XII.—Un Edit Impérial du 24 juillet 1901 *(annexe no. 18)* a réformé l'Office des Affaires Etrangères, (Tsong-li-yamen) dans le sens indiqué par les Puissances, c'est à dire l'a transformé en un Ministère des Affaires Etrangères (Wai-wou-pou) qui prend rang avant les six autres Ministères d'Etat ;

Le même Edit a nommé les principaux Membres de ce Ministère.

Un accord s'est établi également au sujet de la modification du cérémonial de Cour relatif à la réception des Représentants Etrangers, et a fait l'objet de plusieurs notes des Plénipotentiaires Chinois nommés dans un mémorandum ci-joint *(annexe no. 19).*

Enfin il est expressément entendu que, pour les déclarations sus-énoncées et les documents annexés émanant des Plénipotentiaires étrangers, le texte français fait seul foi.

Le Gouvernement Chinois s'étant ainsi conformé, à la satisfaction des Puissances, aux conditions énumérées dans la Note précitée du 22 décembre 1900, les Puissances ont accédé au désir de la Chine de voir cesser la situation créée par les désordres de l'été 1900.

En conséquence les Plénipotentiaires Etrangers sont autorisés à déclarer au nom de leurs Gouvernements que, à l'exception des Gardes des Légations mentionnées à l'art VII, les troupes internationales

évacueront complètement la ville de Pékin, le 17 septembre 1901 et, à l'exception des endroits mentionnés à l'article IX, se retireront de la province du Tcheli, le 22 septembre 1901.

Le présent Protocole final a été établi en douze exemplaires identiques et signés par tous les Plénipotentiaires des Pays Contractants. Un exemplaire sera remis à chacun des Plénipotentiaires Etrangers et un exemplaire sera remis aux Plénipotentiaires Chinois.

Pékin le 7 septembre 1901.

Signé: A. VON MUMM.
M. CZIKANN.
JOOSTENS.
B. J. DE COLOGAN.
W. W. ROCKHILL.
BEAU.
ERNEST SATOW.
SALVAGO RAGGI.
JIUTARO KOMURA.
F. M. KNOBEL.
M. DE GIERS.
YI-K'OUANG.
LI HONG-TCHANG.

Pour copie conforme:

Les Secrétaires:
A. D'ANTHOUARD.
B. BRODIENSKY.
REGINALD TOWER.
G. BOHLEN.

ENGLISH TRANSLATIONS

OF

THE PEACE PROTOCOL.

(Signed at Peking on the 7th of September, 1901.)

The Plenipotentiaries:—

Of Germany:	His Ex.	A. Mumm von Schwarzenstein.
Of Austro-Hungary:	,,	Czikann de Wahlborn.
Of Belgium:	,,	M. Joostens.
Of Spain:	,,	M. B. J. de Cologan.
Of United States of America:	,,	Hon. W. W. Rockhill.
Of France:	,,	M. P. Beau.
Of Great Britain:	,,	Sir Ernest Satow.
Of Italy:	,,	Marquis Salvago Raggi.
Of Japan:	,,	M. Jiutaro Komura.
Of Holland:	,,	M. F. M. Knobel.
Of Russia:	,,	M. M. de Giers.

AND

Of China: His Highness I-Kuang, Prince of the first rank Ching, President of the Board of Foreign Affairs; and His Excellency Li Hung-chang, Count of the first rank, Tutor of the Heir Presumptive, Grand Secretary of the Wen-hua Tien Hall, Minister of Commerce, Superintendent of Northern Trade, Governor-General of Chihli, have met in order to establish that China has announced her agreement to the satisfaction of the Powers, with the conditions which are set forth in the note of 22nd December, 1900, which were accepted as a whole by His Majesty the Emperor of China by an Edict of 27th December, 1900 (annex 1).

Art. Ia.—By an Imperial Edict of 9th June of this year (annex 2) Tsai Fêng, Prince of first rank Chun, has been appointed Ambassador of H.M. the Emperor of China, and in this capacity has been commanded to express to H.M. the German Emperor the regret of H.M. the Emperor of China and the Chinese Government for the death of the German Ambassador, His Excellency Baron von Ketteler.

Prince Chun left Peking on the 12th July of this year to carry out the mission entrusted to him.

ART. IB.—The Chinese Government has announced that it will erect, on the spot of the murder of His Excellency Baron von Ketteler, a Memorial Monument corresponding to the rank of the deceased, with an inscription in Latin, German, and Chinese, which shall express the regret of H.M. the Emperor of China for the murder done.

Their Excellencies the Chinese Plenipotentiaries have informed His Excellency the German Plenipotentiary by a letter of 22nd July of this year (annex 3) that an arch will be erected across the entire breadth of the street on the spot mentioned and that the work was begun on the 25th June of this year.

ART. IIA.—Imperial Edicts of the 13th and 21st February, 1901 (annexes 4, 5 and 6) pronounce the following punishments upon the chief culprits for the attacks and crimes which took place against the friendly Governments and their subjects.

Tsai Yi, Prince Tuan, and Tsai Lan, Duke Fu Koo, have been condemned to death at the autumn assizes, and it is further determined that if the Emperor thinks their lives should be spared, they shall be banished to Turkestan and there shall be imprisoned for life, with no possibility that the punishment shall ever be commuted.

Tsai Hsün, Prince Chuang, Ying Nien, President of the Censorship and Chao Shu-chiao, President of the Board of Punishments, shall be condemned to commit suicide.

Yü Hsien, Governor of Shansi, Ch'i Hsiu, President of the Board of Ceremonies, Hsu Cheng-yü, formerly Director in the Board of Punishments, shall be condemned to death.

Degradation after death has been pronounced against Kang Yi, assistant member of the Grand Secretariat and President of the Board of Civil Office, Hsü Tung, member of the Grand Secretariat, and Li Ping-hêng, formerly Governor-General of Szechuan.

An Imperial Edict of 13th February, 1901 (annex 7), has rehabilitated the memory of the President of the Board of War, Hsu Yung-yi, the President of the Board of Revenue, Li Shan, the Director of the Board of Civil Office, Hsü Ching-ch'eng, the Vice-Chancellor of the Grand Secretariat, Lienyuan, and the Director of the Court of Sacrifices, Yuan Chang, who were executed because they protested against the unheard-of offences against international rights which took place during the last year.

Prince Chuang has committed suicide on the 21st February, 1901; Ying Nien and Chao Shu-chiao on the 24th; Yü Hsien has been executed on the 22nd February, 1901; Ch'i Hsiu and Hsü Cheng-yü on the 26th.

The General of Kansu, Tung Fu-hsiang, has been deprived of his office by Imperial Edict of 13th February, 1901, until it shall be decided what final punishment shall be pronounced against him.

Imperial Edicts of 29th April, and of 19th August, 1901, have pronounced suitable punishments against Provincial authorities who confessedly have been guilty of crimes or murder during the course of last summer.

ART. IIB.—An Imperial Edict which was promulgated on the 19th August, 1901 (annex 8), has ordered the suspension of the official examinations during five years, in all towns where foreigners were murdered or were subjected to harsh treatment.

ART. III.—In order to make suitable amends for the murder of Mr. Sugiyama, Chancellor of the Japanese Legation, H.M. the Emperor of China, by an Imperial Edict of 18th June, 1901 (annex 9), has appointed the Vice-President of the Ministry of Finance, Na Tung, an Extraordinary Ambassador, and commanded him in particular to convey to H.M. the Emperor of Japan the expression of the regret of H.M. the Emperor of China and his Government for the murder of Mr. Sugiyama.

ART. IV.—The Chinese Government has undertaken to erect an expiatory monument in each of the foreign or international cemeteries which has been desecrated or in which grave monuments have been destroyed.

To this end it has been arranged with the representatives of the Powers that the Legations concerned will indicate what is necessary for the erection of these monuments, with the undertaking on the part of China to bear all the costs, which are fixed at 10,000 taels for the cemeteries in Peking and its neighbourhood, and 5,000 in the provinces. These sums have been paid, and the list of these cemeteries is herewith affixed (annex 10).

ART. V.—China has agreed to forbid the importation of arms and ammunition as well as of all material exclusively employed for the manufacture of arms and of ammunition.

An Imperial Edict was published on 25th August, 1901 (annex 11), which forbids such importations for two years.

Further Edicts may be promulgated in the future in order to extend this period every two years, in case the Powers deem it necessary.

ART. VI.—In an Imperial Edict of 22nd May, 1901, H.M. the Emperor of China has undertaken to pay the Powers an indemnity of 450 millions Haikuan taels. This sum represents the total of the indemnity for the States, societies, individuals and Chinese which are mentioned in Article 6 of the Note of 22nd December, 1900.

(a)—These 450 million taels form a debt in gold in which the rate of the Haikuan Tael is calculated in the gold currency of each country in the following manner:—

1 Haikuan Tael =	Marks	3.055
	Austro-Hungarian Kroners	3.595
	Gold Dollar	0.742
	Francs	3.750
	Pound Sterling, Shanghai	3s. 0d.
	Yen	1.407
	Dutch Gulden	1.796
	Gold Rouble	1.412
(at the rate of Dolies)		17.424

This sum in gold shall bear interest at the rate of 4 per cent a year and the principal is to be reimbursed by China in thirty-nine years on the conditions indicated in the plan of amortisation annexed hereto (annex No. 13). The capital and interest will be payable in gold or at the rate of exchange corresponding to the different dates of maturity.

The operation of the amortisation will commence on the 1st January, 1902, and end at the expiration of the year 1940. The amortisations will be payable annually, the first date of maturity being fixed as the 1st January, 1903.

The interest will be calculated to begin from the 1st July, 1901, but the Chinese Government will have the privilege of freeing itself in a period of three years, commencing on 1st January, 1902, of the arrears of the first half-year ending 31st December, 1901, on the condition, however, of paying interest at four per cent per annum on the sums of which the payment will have been thus deferred. The interest will be payable half-yearly, the first maturity being fixed for the 1st July, 1902.

(b.) The service of the debt will be effected at Shanghai in the following manner:—

Each Power will be represented by a delegate in a commission of bankers, which will be charged with the collection of the amount of the interest and the amortisations, which will be paid to the said commission by the Chinese authorities designated for that purpose, to divide this among those interested and to give a receipt.

(c.) The Chinese Government will remit to the doyen of the Diplomatic Corps at Peking a lump coupon which will be subsequently transformed into notes provided with the signatures of the delegates of the Chinese Government designed for that purpose. Each operation, and all those which are connected with the establishment of the titles, will be effected by the aforesaid commission conformably to the instructions which the Powers will send to their delegates.

(d.) The product of the resources to be devoted to the payment of the coupons will be paid monthly into the hands of the commission.

(e.) The resources to be devoted to the guarantee of the coupons are enumerated hereafter:—

1.—The balance of the revenues of the Imperial Maritime Customs after payment of the interest and the amortisation of the previous loans pledged on these revenues, augmented by the product of the raising to an effective five per cent of the actual tariff on maritime imports, including articles which have hitherto entered free, with the exception of foreign rice, cereals and flour, as well as gold and silver, coined or uncoined.

3.—The total of the revenue of the gabelle, under reserve of the fraction previously affected to other foreign loans.

The raising of the actual tariff on imports to an effective five per cent is consented to on the following conditions:—

The putting in operation of that increase will commence two months after the date of the signature of the present protocol, and there will be only exceptions for merchandise en route at the latest ten days after that date.

1.—All the duties on importations levied ad valorem will be converted into specific duties as far as it is possible to do so and with the least delay. This conversion will be established as follows:—The

average value at the time of their disembarkation during the three years, 1897, 1898, 1899, will be taken as the basis of the valuation—that is to say, the value on the market, deduction being made of the import duties and the accessory expenses.

Until the result of that conversion is known, the duties will be imposed ad valorem.

2.—The course of the Peiho and the Huangpu will be improved with the financial participation of China.

ART. VII.—The Chinese Government has agreed that the quarter occupied by the Legations shall be considered as a quarter specially reserved to their usage and placed under their exclusive police, where the Chinese shall not have the right to reside, and which may be put into a state of defence. The limits of the quarter have been thus fixed on the plan annexed (annex No. 14):—

I.—To the west, line 1, 2, 3, 4, 5;

II.—To the north, lines 5, 6, 7, 8, 9, 10;

III.—To the east, Ketteler Street, lines 10, 11, 12;

IV.—To the south, lines 12—1; drawn along the foot of the exterior of the Tartar wall, in following the bastions.

By the protocol annexed to the letter of 16th January, 1901, China has recognised that each Power has the right to retain a permanent guard in the said quarter for the defence of its Legation.

ART. VIII.—The Chinese Government has consented to have the Taku forts razed, and those which could prevent free communication between Peking and the sea.

Dispositions have been taken to this effect.

ART. IX.—The Chinese Government has recognised that the Powers, by the protocol annexed to the letter of the 16th January, 1901, have the right to occupy certain points to be determined by agreement between them, in order to maintain free communication between the capital and the sea.

The points occupied by the Powers are—Huangtsun, Langfong, Yangtsun, Tientsin, Ch'êngliangch'eng, Tangku, Lutai, Tangshan, Lanchow, Changli, Chinwangtao, Shanhaikuan.

ART. X.—The Chinese Government has engaged to post and publish during two years in all the district towns the following Imperial Edicts (annex No. 15):—

(*a.*) Edict of the 1st February, 1901, perpetually forbidding, under pain of death, membership of an anti-foreign society.

(*b.*) Edicts of the 13th and 21st February, 21st April, and 19th August, 1901, containing the enumeration of the punishments which have been inflicted on the guilty.

(*c.*) Edicts of 1st February, 1901, suppressing the examinations in all the towns where foreigners have been massacred or have been subjected to harsh treatment.

(*d.*) Edicts of 1st February, 1901 (annex No. 16), declaring that all the Governors-General, Governors and functionaries, provincial or local, are responsible for order in their districts and that in case of a renewal of anti-foreign troubles, or even of other infractions of the

treaties, which are not immediately repressed, and of which those guilty shall not have been punished, these functionaries will be immediately dismissed, and shall not be appointed to new positions nor receiye new honours.

The posting of these Edicts is done consistently throughout the whole Empire.

ART. XI.—The Chinese Government has engaged to negotiate amendments judged useful by the Foreign Governments to the treaties of commerce and navigation, and other subjects touching commercial relations, with the view of facilitating these.

From now and in consequence of the stipulations inscribed in Article VI on the subject of the indemnities, the Chinese Government has engaged to co-operate in the amelioration of the course of the rivers Peiho and Huangpu, as set out below:—

(*a.*) The work of improving and making properly navigable the Huangpu, commenced in 1898, with the co-operation of the Chinese Government, has been recommenced under the direction of an international commission.

As soon after as the administration of Tientsin shall have been remitted to the Chinese Government, that government may be represented in that commission, and shall pay each year a sum of sixty thousand Haikuan taels for the up-keep of the works.

(*b.*) There is created a River Council charged with the direction and control of the works of the Huangpu and of the improvement of the course of the river.

This council is composed of members representing the interest of the Chinese Government and those of foreigners in the maritime commerce of Shanghai.

The expense necessitated by the works and the general administration of the enterprise has been estimated at the sum of 460,000 Haikuan taels during the first twenty years.

This sum will be furnished, half by the Chinese Government and half by the foreigners interested.

The details of the stipulations in connection with the composition, the attributions and the revenues of the fluvial council are the subject of the annex No. 17.

ART. XII.—An Imperial Edict of 24th July, 1901 (annex No. 18), has reconstructed the Office of Foreign Affairs (Tsungli Yamên) in the direction indicated by the Powers, that is to say, has transformed it into a Ministry of Foreign Affairs (Wai-wu-pu), which takes rank before the other six Ministries of State.

The same edict has named the principal members of this ministry.

An accord is equally established on the subject of the modification of the ceremonial of the Court relative to the reception of the foreign representatives, and has been the subject of several notes of the Chinese Plenipotentiaries named in a memorandum herewith annexed (annex No. 19).

Finally, it is expressly understood that, for the declarations above named and the documents attached emanating from the Foreign Plenipotentiaries, the French text is alone authentic.

The Chinese Government having thus conformed, to the satisfaction of the Powers, to the conditions enumerated in the aforesaid Note of 22nd December, 1900, the Powers have acceded to the desire of China to see the situation created by the disorders of the summer of 1900 come to an end. In conseqcence the Foreign Plenipotentiaries have authorised the declaration, in the name of their Governments, that, with the exception of the Legation Guards mentioned in Article VII, the international troops will completely evacuate the town of Peking, the 17th September, 1901, and with the exception of the places mentioned in Article IX, will retire from the province of Chihli, on the 22nd of September, 1901.

The present final protocol has been established in twelve identical copies and signed by all the Plenipotentiaries of the contracting countries. A copy will be remitted to each of the Foreign Plenipotentiaries and a copy will be remitted to the Chinese Plenipotentiaries.

Certified copy.

(Signed) A. VON MUMM.
M. CZIKANN.
JOOSTENS.
B. J. COLOGAN.
W. W. ROCKHILL.
BEAU.
ERNEST SATOW.
SALVAGO RAGGI.
JIUTARO KOMURA.
F. M. KNOBEL.
M. DE GIERS.
CHING.
LI HUNG-CHANG.

Secretaries:—

A. D'ANTHOUARD.
B. BRONDIENSKY.
REGINALD TOWER.
G. BOHLEN HALBARD.

ANNEXE No. 1.

ÉDIT IMPÉRIAL *du 27 décembre 1900.*

(Traduction.)

(Sceau de l'Empereur.)

Le 6e jour de la 11e lune de la 26e année de Kouang-Siu (27 décembre 1900), l'édit suivant a été rendu.

"Nous avons pris connaissance de tout le télégramme de Yi-K'ouang et de Li Hong-tchang. Il convient que Nous acceptions dans leur entier les douze articles qu'ils Nous ont soumis."

"Respect à ceci !"

ANNEXE No. 2.

ÉDIT IMPÉRIAL *du 9 juin 1901.*

(Traduction.)

"Nous conférons à Tsai-feng, Prince du premier rang, Tch'oun, le titre d'Ambassadeur extraordinaire et le chargeons de se rendre en Allemagne pour s'acquitter respectueusement de la mission que Nous lui confions.

Tchang-Yi, Lecteur à la Grande Chancellerie, et Yin-tch'ang, Lieutenant Gouverneur militaire, l'accompagneront en qualité de secrétaires."

ANNEXE No. 3.

Dépêche du Prince K'ing et de Li-Hong-tchang, du 22 juillet 1901, à son Excellence M. de Mumm, Plénipotentiaire d'Allemagne.

(Traduction.)

RÉPONSE OFFICIELLE :

Le 3e jour de la 5e lune de la présente année, (le 18 juin 1901), Nous avons reçu de Votre Excellence la communication officielle ci-après :

"Messieurs Jouei-léang, secrétaire, et Lien-fang, taotai en expectative, délégués chargés de l'exécution de l'article I de la Note Collective stipulant l'érection d'un monument commémoratif sur le lieu de l'assassinat du Baron von Kettler, ci-devant Ministre d'Allemagne, sont entrés il y a quelque temps en pourparlers avec ma Légation, et ont abordé la question du mode d'exécution de ce monument.

"Au cours de nombreux entretiens, ils ont déclaré que si l'on tenait à ce qu'un portique commémoratif en marbre de Ta-li et s'étendant sur toute la largeur de l'avenue de Tch'ong-wen-men, fut érigé sur le lieu de l'assassinat, le travail serait trop long, en raison des

difficultés de transport des matériaux ; mais que, pour ce qui était de trouver quelque autre moyen consistant soit à transférer sur le lieu de l'assassinat un portique placé actuellement ailleurs, soit à dresser un portique neuf, soit à faire usage d'un portique ancien que l'on transporterait, ils s'en remettaient à la décision de mon Gouvernement.

" J'ai aussitôt demandé par le télégraphe à mon Gouvernement de me faire connaître ses vues.

" La réponse qui vient de me parvenir me fait savoir que Sa Majesté l'Empereur d'Allemagne a décidé lui même qu'il devait être érigé un portique neuf tenant toute la largeur de la rue.

" Je dois en conséquence vous prier instamment de prendre de promptes mesures pour que les travaux puissent commencer immédiatement.

" Nous, Prince et Ministre, avons aussitôt prescrit aux dits secrétaires et taotai d'agir de conformité. Suivant le rapport qu'ils nous ont adressé, " les travaux ont été commencés le 10e jour de la 5e lune (25 juin) par les fondations. Mais un certain temps est nécessaire pour l'extraction des pierres, leur taille et le transport des matériaux ; et on ne peut que veiller à ce que les ouvriers fassent tous leurs efforts pour mener activement le travail."

Outre que Nous avons prescrit de Nous tenir au courant de l achèvement des travaux, Nous croyons devoir adresser la présente réponse officielle à Votre Excellence en La priant d'en prendre note.

ANNEXE No. 4.

ÉDIT IMPÉRIAL *du 13 février 1901.*

(Traduction.)

Depuis la 5e lune (fin mai), les Boxeurs ont soulevé des troubles dans la Capitale, et ont ouvert les hostilités contre des pays amis. Yi-K'ouang et Li Hong-Tchang négocient la paix à Pékin avec les Représentants des Puissances et tout un arrangement préliminaire a déjà été signé.

(Si) Nous Nous reportons au début de ces événements, (nous trouvons qu'ils sont dûs) à plusieurs Princes et Ministres stupides, fous, complètement ignorants, turbulents, qui ont foulé aux pieds les lois. Ils ont eu la plus grande confiance dans des moyens pervers et ont entraîné la Cour. Non seulement ils ont refusé d'obéir à Nos ordres pour anéantir les Boxeurs, mais ils ont été jusqu'à les croire et, sottement, ils se sont mis à attaquer (les Légations). Aussi ce mauvais feu prit une grande extension et les circonstances ne permirent pas de l'arrêter, plusieurs dizaines de millions de malfaiteurs s'étant rassemblés au bas du coude et de l'aisselle (c'est-à-dire un point très important). De plus les meneurs forcèrent des généraux et des soldats ignorants à attaquer les Légations et c'est ainsi que des maux incroyables ont sévi pendant plusieurs mois.

Les dieux tutélaires de l'Empire ont été en danger, les tombes Impériales et les temples des Ancêtres ont tremblé, le pays a été dévasté, les habitants sont plongés dans la misère. Aucune parole ne saurait

exprimer les dangers que Nous et S.M. l'Impératrice Douairière avons courus. Notre cœur et notre tête en souffrent encore maintenant ; nos pleurs et nos ressentiments se confondent. C'est vous, Princes et Ministres, qui en ajoutant foi aux paroles perverses et en laissant agir les malfaiteurs, avez mis en danger, au Ciel, nos Ancêtres et nos dieux et qui, ici-bas, avez fait endurer au peuple ces calamités. Demandez-vous quel est le châtiment que vous méritez ?

Nous avons déjá rendu deux décrets. Mais comprenant que des peines si légères pour des fautes si grandes ne pouvaient suffire à vous faire expier vos crimes, Nous devons vous infliger de nouveaux châtiments plus sévères, selon votre degré de culpabilité.

Tsai-Hiun, Prince Tchouang, déjà dégradé, a laissé les Boxeurs attaquer les Légations. Il a, de sa propre autoriteé, publié des proclamations contraires aux traités ; il a ajouté foi légèrement aux diresdes malfaiteurs ; il a fait décapiter illégalement un grand nombre de personnes ; il s'est montré, en vérité, grossier et inintelligent. Nous l'invitons, par faveur, à se suicider. Nous chargeons Ko Pao-houa, président par intérim de la Cour des Censeurs, d'aller constater (le suicide).

Tsai-Yi, Prince Touan, déjà dégradé, a entraîné avec lui plusieurs Princes et Pei Lo (Princes du 3e rang). Il a écouté légèrement les Boxeurs et sottement il a conseillé de se battre. C'est ainsi que tous ces troubles ont éclaté : ses fautes, en vérité, ne peuvent être écartées. Tsai-Lan, duc Fou-Kouo, rétrogradé, a de concert avec Tsai-Hiun, sottement publié des proclamations contraires aux traités. Il doit également être puni pour ses fautes. Nous les privons de leurs titres de noblesse, mais, considérant qu'ils font partie de notre famille, Nous ordonnons, par une faveur spéciale que Nous leur accordons, qu'ils soient envoyés dans le Sin-Kiang (Ili), où ils seront condamnés è perpétuité à la prison. On enverra d'abord des délégués pour les surveiller.

Yu-Hien, gouverneur dégradé, a cru sottement, lorsqu'il exerçait précédement les fonctions de gouverneur au Chantong, aux philtres des Boxeurs. Arrivé à Pékin, il en a vanté les louanges, si bien que plusieurs Princes et Ministres ont subi sa mauvaise influence. Etant gouverneur du Chansi, il a massacré un grand nombre de missionnaires et de chrétiens. C'est plus qu'un imbécile, qu'un fou, qu'un assassin, c'est le plus grand coupable et l'auteur de toutes ces calamités. Il a déjà été envoyé au Sin-Kiang et, pensant qu'il est arrivé au Kan-sou, Nous ordonnons que, sur l'ordre que nous envoyons, il soit immédiatement décapité. Nous chargeons le juge provincial Ho Foukoueun, de constater l'application de la peine.

Kang-Yi, Sous-grand Secrétaire d'Etat, Président au Ministère de l'Intérieur, ayant prêté son appui aux Boxeurs, des troubles graves éclatèrent. Il continua à publier des proclamations contraires aux traités. Un châtiment sévère devait à l'origine lui être infligé, mais il est mort de maladie, Nous ordonnons que les grades qu'il possédait primitivement lui soient retirés et qu'il soit aussitôt dégradé.

Tong Fou-siang, général au Kan-sou, dégradé et laissé en fonctions, est entré (dans Pékin) pour défendre (la ville) avec les troupes placées sous ses ordres ; it n'a pas su exercer une discipline sévère. Ignorant de plus les questions internationales, il suivait ses idées et agissait d'une façon inconsidérée. Bien que les attaques contre les Légations lui fussent ordonnées par les susdits Princes dégradés, il est difficile cependant de l'absoudre de toutes fautes. Nous devions d'abord le

punir sévèrement, mais, songeant aux services signalés qu'il a rendu au Kan-sou et aux sympathies parmi les Musulmans et les Chinois, par un acte de clémence extraordinaire, Nous ordonnons qu'il soit immédiatement dégradé.

Ying-Nien, Président de la Cour des Censeurs, rétrogradé et replacé, s'est opposé à ce que Tsai-Hiun publie de sa propre autorité des proclamations contraires aux traités. Nous pouvons tenir compte de cette circonstance, mais comme il n'a pas su vaincre (cette résistance) par la force, il est en somme difficile de l'absoudre de ses fautes. Nous ordonnons, par une marque de grande bienveillance, qu'il soit dégradé. Nous le condamnons à mort et il attendra en prison qu'il soit statué sur son cas.

Tchaon Chou-kiao, Président au Ministère de la Justice, dégradé et laissé en fonctions, n'avait jamais montré jusqu'alors aucun sentiment d'animosité dans les relations avec les Puissances Etrangères. Ayant fait une enquête sur les Boxeurs il ne tint aucun propos en leur faveur, mais par sa négligence des fautes furent commises. Nous ordonnons, par une marque de grande bienveillance, qu'il soit dégradé. Nous le condamnons à mort et il attendra en prison qu'il soit statué sur son cas.

Nous ordonnons qu' Ying-Nien et Tchaou Chou-kiao soient d'abord enfermés dans la prison de la capitale du Chen-Si.

Siu Tong, Grand Secrétaire d'Etat, et Li Ping-heng, ancien Gouverneur Général du Sze-tchouen, rétrogradé et déplacé, sont morts pour la patrie, mais tout le monde reconnaît leurs fautes. Nous ordonnons de les dégrader et Nous leur retirons les honneurs porthumes que Nous leur avions conférés.

Après la promulgation de ce décret, tous nos pays amis devront considérer que les événements causés par les Boxeurs ne sont dûs en vérité qu'aux principaux fauteurs de désordre et nullement aux désirs de la Cour.

Nous, Empereur, ne punissant pas à la légère plusieurs des principaux fauteurs de désordre, les mandarins et les populations de l'Empire comprendront aussitôt que les conséquences de telles affaires sont des plus graves.

Respect à ceci !

ANNEXE No. 5.

ÉDIT IMPÉRIAL *du 13 février 1901.*

(Traduction.)

" K'i-Sieou, Président au Ministère des Rites et Siu Tch'eng-yu, précédemment Directeur de gauche au Ministère de la Justice, seront d'abord dégradés.

Nous ordonnons à Yi-K'ouang et à Li Hong-tchang de rechercher les preuves exactes de leur culpabilité et de Nous adresser aussitôt un rapport. Ils seront punis avec la plus grade sévérité.

Respect à ceci ! "

ANNEXE No. 6.

ÉDIT IMPÉRIAL *du 21 février 1901.*

(Traduction.)

Edit rendu et transmis télégraphiquement le 3e jour de la 1re lune (21 février 1901), et reçu par le Grande Chancellerier.

Par un Edit antérieur, Nous avions déjà sévèrement puni, suivant leur cas, tous les hauts fonctionnaires auteurs principaux des maux présents. Mais Nous avons reçu, il y a quelques temps, un rapport télégraphique de Yi-K'ouang et de Li Hong-tchang, Nous disant que, d'après une dépêche officielle des Ministres Plénipotentiaires des diverses Puissances, de nouvelles aggravations de peines étaient nécessaires et Nous suppliant de prendre une décision.

Outre Tsai-Hiun, auquel il a été prescrit de se suicider, et Yu-Hien, contre lequel la peine de la décapitation immédiate a été prononcée, et pour chacun desquels des délégués seront chargés d'aller vérifier (l'exécution des sentences), Nous décidons que la peine applicable à Tsai-Yi (Prince Touan) et à Tsai-Lan (Duc Lan) est la décapitation avec sursis; toutefois, en considération des liens de parenté qui les unissent à Nous, Nous leur faisons la faveur toute spéciale de les envoyer sur les confins de l'Empire, au Turkestan, où ils seront emprisonnés à perpétuité. Un délégué chargé de les conduire sous escorte sera désigné et partira au premier jour.

Pour Kang-Yi, dont les crimes étaient plus graves, la peine à appliquer aurait été la décapitation sans délai; mais comme il est déjà mort de maladie, il lui sera fait grâce d'un nouvel examen de son cas.

Pour Ying-Nien et Tchao Chou-k'iao, dont la peine, suivant Nos précédentes décisions, devait être la décapitation avec sursis, Nous ordonnons qu'il soient invités à se suicider et Nous chargeons Ts'en Tch'-oun-hiuan, Gouverneur du Chan-si d'aller contrôler (leur mort).

Pour K'i-Sieou et Siu Tcheng-yu que les Puissances désignent comme les protecteurs acharnés des bandits Boxeurs et, comme ayant tout particulièrement fait du mal aux étrangers, Nous avions précédemment édicté leur destitution; Nous ordonnons (aujourd'hui) à Yi-K'ouang et à Li Hong-tchang de demander aux Puissances, par dépêche, leur remise, et de les faire aussitôt exécuter. L'un des Présidents du Ministère de la Justice sera chargé de contrôler (leur exécution).

Quant à Siu T'ong, qui a compromis les grands intérêts généraux en accordant à la légère confiance aux Boxeurs, et à Li Ping-heng dont les habitudes de vantardise ont délibérément engendré ces malheurs, la peine à leur appliquer aurait été la décapitation avec sursis; mais prenant en considération qu'ils se sont suicidés en voyant approcher le désastre, qu'ils ont déjà été dégradés, et que les honneurs posthumes qui leur avaient été décernés ont été annulés et retirés, il convient de ne pas revenir sur leur cas.

La nature des crimes commis par les principaux auteurs du mal a été exposée, d'un façon claire et détaillée dans de précédents décrets.

Respect à ceci !

ANNEXE No. 7.

ÉDIT IMPÉRIAL *du 13 février 1901.*

(Traduction.)

" Les troubles suscites par les Boxeurs dans le courant de la 5e lune (mai—juin) ayant augmenté de jour en jour, la Cour avait deux partis difficiles à prendre, soit de prendre des mesures coercitives, soit de les apaiser. Dans l'espoir qu'une voie nous serait indiquée les Ministres furent appelés plusieurs fois en audience.

Nous avons maintes fois interrogé Siu Yong-yi, Président au Ministère de la Guerre, Li-Chan, Président au Ministère des Finances, Hiu King-tcheng, Directeur de gauche au Ministère de l'Intérieur, Lien-Yuan, Vice-Chancelier du Grand Secrétariat, Yuan-Tchang, Directeur à la Cour des Sacrifices.

Dans leur discours et dans leurs pensées, tous admirent que les deux méthodes étaient possible. Plusieurs Ministres fauteurs de désordres, profitant aussitôt de cette circonstance, les accusèrent injustement, remirent des mémoires dans lesquels ils les dénonçaient. C'est ainsi qu'ils furent punis sévèrement dans leur personne.

Mais songeant que Siu Yong-yi et autres ont fait preuve d'un grand zèle pendant plusieurs années et qu'ils se sont toujours occupés de questions internationales, qu'ils pouvaient être fidèles et qu'ils se sont montrés laborieux, nous devons leur accorder une faveur.

Nous ordonnons que Siu Yong-yi, Li-Chan, Hiu King-tcheng, Lien-Yuan et Yuan-Tchang soient réintégrés dans leurs anciens grades.

Que le Ministère que l'affaire concerne en soit informé.

Respect à ceci ! "

ANNEXE No. 8.

ÉDIT IMPÉRIAL *du 19 août 1901.*

(Traduction.)

Edit reçu par la Grade Chancellerie le 6e jour de la 7e lune de la 27e année de Kouang-Siu (le 19 août 1901).

" Vu le rapport de ce jour par lequel Yi-K'ouang et Li-Hong-tchang Nous font savoir que les Puissances Etrangères ont décidé la suspension pendant cinq années des examens civils et militaires dans les localités qui ont été le théâtre de troubles.

" Considérant qu'il est déclaré que cette suspension devra rester applicable aux examens locaux de licence de Chou-t'ien et de T'ai-yuan ;

" Vu la liste comprenant les localités de :

" Province du Chan-Si : T'ai-yuan-fou, Hin-tcheou, T'ai-kou-hien, Ta-t'ong-fou, Fen-tcheou-fou, Hiao-yi-hien, K'in-wo-hien, Ta-ning-hien, Ho-tsin-hien, Yo-yang-hien, So-p'ing fou, Wen-chouei-hien, Cheou-yang-hien, P'ing-yang-fou, Tch'ang-tze-hien, Kao-p'ing-hien, Tse-tcheou-fou, Si-tcheou, P'ou-hien, Kiang-teheou, Kouei-houa-tch'eng, Souei-yuan-tch'eng ;

" Province du Ho-nan : Nan-yang-fou, Kouang-tcheou ;
" Province du Tche-kiang, K'iu-tcheou-fou ;
" Province du Tché-li : Pékin, Choun-t'ien-fou, Pao-ting-fou, Yong-ts'ing-hien, T'ien-tsin-fou, Choun-te-fou, Wang-tou-hien, Houai-lou-hien, Sin-ngan-hien, T'ong-tcheou, Wou-yi-hien, King-tcheou, Souang-p'ing-hien.

" Trois provinces de Mandchourie : Cheng-king (=Moukden), Kia-tze-tch'ang, Lien-chan, Yu-k'ing-kié, Pei-lin-tze, Hou-lan-tch'eng ;
" Province du Chen-si : Ning-kiang-tcheou ;
" Province du Hounan : Heng-tcheou-fou ;
" Nous ordonnons que dans toutes ces localités, les examens civils et militaires seront suspendus pendant une durée de cinq années, et Nous prescrivons à tous les Gouverneurs généraux, Gouverneurs et Examinateurs des provinces visées, d'agir de conformité et de faire publier des proclamations."

Respect à ceci !

ANNEXE No. 9.

ÉDIT IMPÉRIAL *du 18 juin 1901.*

(Traduction.)

Edit reçu par télégraphe de Si-ngan-fou, le 3e jour de la 5e lune (18 juin 1901).

Nous conférons à M. Na-t'ong, second Vice-Président du Ministère des Finances, le bouton mandarinal du premier rang, et le désignons comme Envoyé spécial pour se rendre au Japon et s'y acquitter respectueusement de la mission dont Nous le chargeons.

Respect à ceci !

ANNEXE No. 10.

Liste de cimetières situés aux environ de Pékin et qui ont été profanés.

Cimetière	anglais	un
,,	français	cinq
,,	russe	un
	Total... ...	sept

ANNEXE No. 11.

ÈDIT IMPÉRIAL *du 25 août 1901.*

(Traduction.)

Nous ordonnons à tous les Maréchaux tartares, Gouverneurs généraux et Gouverneurs des provinces, ainsi qu'aux taotais des Douanes d'interdire, d'abord pour une durée de deux ans, l'importation des engins de guerre ainsi que du matériel servant exclusivement à leur fabrication de provenance étrangère.—Avisez le Ministère que cela concerne.

Respect à ceci !

ANNEXE No. 12.

Dépêche du Prince K'ing et de Li Hong-tchang à M. de Cologan, Ministre d'Espagne, Doyen du Corps Diplomatique (29 mai 1901).

(Traduction.)

Le 12e jour de la 4e lune de la 27e année de Kouang-Siu (le 29 mai 1901).

Réponse officielle.

Le 7e jour de la 4e lune de la présente année (le 24 mai 1901), nous avons reçu de Votre Excellence la communication officielle ci-après :

" J'ai l'honneur d'accuser réception à Votre Altesse et Votre Excellence de la lettre qu'Elles ont bien voulu m'adresser en réponse à ma communication en date du 7 mai au sujet des indemnités. Dans la lettre à laquelle Votre Altesse et Votre Excellence viennent de répondre, nous leur faisons connaître que le chiffre des dépenses effectuées et des pertes subies par les Puissances s'élevait à la somme approximative de quatre cent cinquante millions de taels calculée jusqu'au 1er juillet.

En réponse à cette communication, Votre Altesse et Votre Excellence m'ont fait connaître que le Gouvernement Chinois proposait de s'acquitter de cette somme envers les Puissances au moyen de versements mensuels de 1,250,000 taels pendant 30 années.

Les Représentants des Puissances n'ont pas manqué de transmettre cette proposition à leurs Gouvernements. Mais ils doivent appeler l'attention de Votre Altesse et celle de Votre Excellence sur le fait, que le total des versements proposés par le Gouvernement Chinois ne représente que le capital de la somme indiquée, sans qu'il ait été tenu compte du calcul des intérêts.

Je prie en conséquence Votre Altesse et Votre Excellence de vouloir bien nous faire connaître le plus tôt possible les intentions du Gouvernement Chinois à cet égard."

En traitant dans une précédente dépêche la question des indemnités, nous avons exposé à Votre Excellence l'état de pénurie du Trésor Chinois. Dans sa dernière communication Votre Excellence veut bien nous faire observer que les versements annuels de 15 millions de taels que nous avons proposés ne représentent que le capital, et vous appelez maintenant notre attention sur la question des intérêts.

Estimant nous-mêmes, qu'outre le capital, il y avait lieu de tenir compte d'intérêts annuels à quatre pour cent, nous avons déjà, par télégramme, soumis au Trône des propositions à ce sujet ; et, en réponse, nous avons reçu un Edit Impérial portant que " le chiffre des " indemnités à payer aux Puissances de quatre cent cinquante millions " avec intérêts à quatre pour cent est approuvé, et nous commandant " de prendre les mesures nécessaires pour donner suite à cette décision."

Nous n'avons donc plus qu'à nous conformer aux ordres du Trône.

Toutefois ceci nous oblige à rappeler à Votre Excellence que les ressources financières de la Chine sont tellement limitées qu'aucun prélèvement n'est possible en dehors des 15 millions de taels que nous avons déjà proposé à Votre Excellence d'affecter spécialement au

paiement des indemnités. Or puisqu'ils doivent faire face non seulement au payement du capital, mais aussi au service des intérêts, nous n'avons d'autre alternative à proposer que de prolonger le terme des payements que nous avions fixé d'abord à 30 années, de telle manière que les versements effectués pendant la première période de ce terme aussi prolongé soient considérés comme destinés à éteindre le capital pendant que ceux opérés au cours de la seconde période serviraient à liquider le compte des intérêts : tout payement cesserait alors par suite de l'extinction de la dette. La Douane Impériale Maritime déjà chargée, comme nous le proposions, des versements du capital, serait également chargée du versement des intérêts. Quant au chiffre des intérêts annuels il serait entendu qu'il diminuerait proportionnellement d'année en année à mesure de l'extinction progressive du capital.

Nous avons l'honneur de prier Votre Excellence de vouloir bier nous faire connaître ce qu'elle pense du mode de procédure que nous lui proposons ci dessus pour acquitter le capital et les intérêts, ou, si à son avis il ne vaudrait pas mieux considérer une partie des 15 millions versés annuellement comme un à compte sur les intérêts à servir. Ces détails demandent un examen attentif et exigent une entente préalable et complète.

La Chine ayant ainsi montré tout son bon vouloir en accédant aux demandes des Puissances sur la question des indemnités, et prendant toutes les dispositons nécessaires pour en assurer le payement intégral, nous espérons avoir bientôt la satisfaction d'apprendre que les Puissances se trouvent à même de fixer une date prochaine de l'évacuation.

Nous avons l'honneur de prier Votre Excellence de vouloir bien porter cette communication à la connaissance des Représentants des Puissances.

ANNEXE No. 13.—PLAN

Années	Série A Tls. 75,000,000 Eteinte en 1940 par un amortissement annuel de 1.106% en 39 ans commençant en 1902.		Série B Tls. 60,000,000 Eteinte en 1940 par un amortissement annuel de 1.783% en 30 ans commençant en 1911.		Série C Tls. 150,000,000 Eteinte en 1940 par un amortissement annuel de 2.256% en 26 ans commençant en 1915.		Série D Tls. 50,000,000 Eteinte en 1940 par un amortissement annuel de 2.401% en 25 ans commençant en 1916	
		Tls.		Tls.		Tls.		Tls.
1902	Int. et Am.	3,829,500	Int.	2,400,000	Int.	6,000,000	Int.	2,000,000
3	—		—		—		—	
4	—		—		—		—	
5	—		—		—		—	
6	—		—		—		—	
7	—		—		—		—	
8	—		—		—		—	
9	—		—		—		—	
1910	—		—		—		—	
1	—		Int. et Am.	3,469,800	—		—	
2	—		—		—		—	
3	—		—		—		—	
4	—		—		—		—	
5	—		—		Int. et Am.	9.384,000	—	
6	—		—		—		Int. et Am.	3,200,500
7	—		—		—		—	
8	—		—		—		—	
9	—		—		—		—	
1920	—		—		—		—	
1	—		—		—		—	
2	—		—		—		—	
3	—		—		—		—	
4	—		—		—		—	
5	—		—		—		—	
6	—		—		—		—	
7	—		—		—		—	
8	—		—		—		—	
9	—		—		—		—	
1930	—		—		—		—	
1	—		—		—		—	
2	—		—		—		—	
3	—		—		—		—	
4	—		—		—		—	
5	—		—		—		—	
6	—		—		—		—	
7	—		—		—		—	
8	—		—		—		—	
9	—		—		—		—	
1940	—		—		—		—	
	4.18433 de toute la somme de Tls. 450,000,000 à partir de 1902.		4.23773 ou, y compris le précédent taux 4.42,206 de toute la somme de Tls. 450,000,000 à partir de 1911.		4.75200 ou, y compris le précédent taux, 5.17406 de toute la somme de Tls. 450,000,000 à partir de 1915.		4.26677 ou y compris le précédent taux, 5.44083 de toute la somme de Tls. 450,000,000 à partir de 1916.	

D'AMORTISSEMENT.

Série E			
Tls. 115,000,000 Eteinte en 1940 par un amortissement annuel de 9.449% en 9 ans commençant en 1932.	Montant de sommes dues pour les Séries A, B, C, D, E.	Annuités de la dette existante garantie par les Douanes M. I. et les Likins.	Montant total de la dette étrangère.
Tls.	Tls.	Tls.	Tls.
Int. 4,600,000	18,829,500	23,600,000	42,429,500
—	—	23,300,000	42,129,500
—	—	23,300,000	42,129,500
—	—	24,100,000	42,929,500
—	—	23,900,000	42,729,500
—	—	23,700,000	42,529,500
—	—	23,400,000	42,229,500
—	—	23,400,000	42,229,500
—	—	23,200,000	42,029,500
—	19,899,300	22,800,000	42,699,300
—	—	22,600,000	42,499,300
—	—	22,400,000	42,299,300
—	—	22,100,000	41,999,300
—	23,283,300	19,400,000	42,683,300
—	24,483,800	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,500,000	42,983,800
—	—	18,400,000	42,883,800
Int. et Am. 15,466,350	35,350,150	7,500,000	42,850,150
—	—	6,300,000	41,650,150
—	—	5,900,000	41,250,150
—	—	5,900,000	41,250,150
—	—	5,900.000	41,250,150
—	—	5,900,000	41,250,150
—	—	5,900,000	41,250,150
—	—	5,900,000	41,250,150
—	—	5,900,000	41,250,150
6.41477 ou, y compris le précédent taux, 7.85560 de toute la somme de Tls. 450,000,000 à partir de 1932.	Montant total à payer Tls. 982,238,150		

ANNEXE No. 14.

Description des limites du quartier des Légations à Pékin.

Le point 1 est situé sur la muraille sud de la ville tartare à cent pieds à l'est du côté est de la superstructure de la Tsien Men. De ce point la limite court, sur une longueur de deux cent seize pieds, suivant une ligne presque directement nord, jusqu'au

point 2, coin sud-est de la balustrade en pierres blanches qui entoure l'espace ouvert, pavé, devant l'entrée principale de la Cité Impériale.

De ce point, la limite court sur une longueur de trois cent dix pieds, le long du côté est de cette balustrade, presque directement au nord jusqu'au

point 3 situé sur le côté nord de la route qui fait suite à la rue des Légations, et qui est à l'intersection de la limite venant de 2 et d'une ligne tirée en prolongement du côté nord de la rue des Légations.

De ce point la ligne court sur une longueur de six cent quarante et un pieds et demi (mesurés autour et dans les coins du mur), le long du côté nord de la rue des Légations jusqu'au

point 4, à cent quarante six pieds à l'ouest du coin (sud-ouest) de la Gaselee Road, mesurés le long du nord de la rue des Légations.

Depuis ce point, la limite court, sur une longueur de deux mille cent cinquante deux pieds (mesurés autour et dans les coins des constructions actuellement existantes, et, dans les espaces couverts entre les constructions), le long d'une ligne parallèle à l'alignement général du côté gauche de la Gaselee Road et à cent cinquante-sept pieds à l'ouest côté ouest, de la porte qui même de la Gaselee Road à la cour extérieure de la Cité Impériale, jusqu'au

point 5, sur la face sud du mur sud de la cour extérieure de la Cité Impériale, et à cent cinquante-sept pieds depuis le côté ouest de la porte au bout de la Gaselee Road.

Depuis ce point, la ligne court sur une distance de mille deux cent quatre-vingt-huit pieds presque directement dans l'est le long du mur jusqu'au

point 6, coin sud-est de la cour extérieure de la Cité Impériale.

De là, la ligne court presque directement au nord, le long du mur, sur une distance de deux cents dix-huit pieds mesurés en droite ligne jusqu'au

point 7, coin nord-est de la cour extérieure.

De là, la ligne court presque droite dans l'est, sur une distance de six cent quatre-vingt-un pieds jusqu'au

point 8, coin sud-est de la muraille de la Cité Impériale.

De ce point, la limite court presque directement du nord, sur une distance de soixante-cinq pieds, le long du mur, jusqu'au

point 9, à soixante-cinq pieds du coin sud-est du mur de la Cité Impériale.

De là, la limite court directement à l'est sur une longueur de trois mille dix pieds jusqu'au

point 10, sur le côté ouest de la Ketteler Strasse et à trois cents pieds du coin d'intersection de la Ketteler Strasse et de la Viale Italia.

De ce point, la limite court presque directement au sud, le long de la face ouest de la Ketteler Strasse jusqu'au

point 11, coin nord-ouest de la voûte de la Hata Men, sur la muraille sud de la ville tartare.

De là, la limite court le long du mur et comprend la rampe ouest de la Hata Men jusqu'au

point 12, sur le mur, à cent pieds à l'ouest de la superstructure de la Hata Men.

A partir de 12, la limite suit la face sud de la muraille comme le montre le plan, y compris les bastions et va rejoindre 1.

Les points du plan dont les relèvements sont pris sont les suivants :

A.—Point à cent sept pieds de la superstructure de la Tsien Men, mesuré à l'est le long du bord nord du faîte du mur de la ville tartare.

B.—Point sur le sommet du bord nord du mur de la ville tartare, juste au-dessus du milieu du canal d'écoulement des eaux.

C.—Coin nord-ouest de la superstructure de la Hata Men.

ANNEXE No. 15.

ÉDIT IMPÉRIAL *du 1er février 1901.*

(Traduction.)

Dans toutes les provinces, des bandits ont appelé des adhérents et fondé des sociétés anti-étrangères. Divers édits l'ont interdit formellement. Nous l'avons répété maintes fois et cependant, dans ces dernières années, il y a encore eu, dans tous les districts du Chan-tong des sectes du nom de Ta-tao houei (Société des Grands Couteaux) et Y-Ho-kien (Boxeurs) qui se sont propagées partout pour tuer et voler sciemment. Elles ont gagné peu à peu le territoire du Tche-li et ont pénétré brusquement dans la capitale où les établissements étrangers ont été incendiés et les Légations attaquées. Des crimes ont été ainsi commis contre des pays voisins et des fautes ont été faites contre l'intérêt général. Pour ne pas avoir assuré la protection, nous avons encouru des responsabilités considérables.

Vous, peuple, qui en temps ordinaire vous nourrissez et vivez des produits de cette terre, qui tous avez été comblés des bienfaits de l'Empire, vous avez osé cependant inciter ces bandits à désirer se battre à enseigner des méthodes pour jeter des sorts et à s'adonner à de fausses pratiques. Vous avez résisté témérairement à vos mandarins, vous les avez massacrés, vous avez assassiné des étrangers, et puis vous avez été cause de ces calamités inouïes qui par dessus tout ont plongé dans la douleur votre Souverain et vos pères.

Nous ne pouvons penser à ce qui a été fait, sans éprouver un ressentiment plus profond encore. Nous avons déjà prescrit formellement aux Commandants en chef de toutes les régions de faire leurs efforts les plus sincères pour détruire ces sociétés. Il importe de supprimer le mal jusque dans sa racine, aussi les Princes et les Ministres, qui ont prêté leur appui aux Boxeurs, subiront-ils les peines les plus sévères, conformes à leurs crimes, et, afin d'inspirer la crainte, tous les

examens civils et militaires seront supprimés pendant cinq ans dans toutes les villes où des étrangers ont été massacrés ou ont subi des traitements cruels.

Craignant que les populations ignorantes des campagnes n'aient pas connaissance (de ces punitions), de nouvelles interdictions sévères seront faites spécialement afin d'éviter que l'on n'exécute des gens qui n'auraient pas été avisés.

Vous, soldats et peuple, vous devez savoir qu'il est formellement défendu par la loi de former des sociétés secrètes ou d'en faire partie. Nos ancêtres n'ont jamais montré la moindre indulgence dans la répression contre des sociétés de malfaiteurs.

D'ailleurs, les Puissances Etrangères sont toutes des pays amis, les chrétiens sont des enfants de notre sang que la Cour regarde avec la même bienveillance, et Elle ne saurait admettre d'avoir pour eux des sentiments différents. Tous les Chinois, chrétiens ou non, qui seraient maltraités devront se plaindre auprès des autorités et attendre qu'un jugement juste et équitable soit rendu. Comment pouvez-vous ne plus tenir compte des lois pénales?

Ensuite, lorsque tout est perdu, ceux qui sont habiles se sauvent au loin et les naïfs sont mis à mort. La loi pardonne difficilement et tout ceci est vraiment fort triste. A partir de la publication du présent édit, chacun devra s'amender et se repentir des enseignements qu'il a reçus.

Si des malfaiteurs endurcis et incorrigibles venaient encore à former clandestinement des sociétés anti-étrangères, ils seraient punis de mort ainsi que quiconque ferait partie de ces sociétés. On ne pourra avoir pour eux la moindre indulgence.

Les Maréchaux tartares, les Gouverneurs généraux, Gouverneurs et Hautes Autorités provinciales qui ont le devoir de diriger les populations, devront donner des instructions très précises à leurs subordonnés de publier des proclamations sévères et de faire imprimer sur papier jaune le présent décret qui sera affiché partout. Il importe que toutes les familles soient avisées, qu'on les exhorte toutes au bien et que nul n'ignore que la volonté de la Cour est que tous sachent bien que l'on punit afin d'éviter d'infliger d'autres punitions.

Que cet édit soit porté dans tout l'Empire à la connaissance de tous.

Respect à ceci !

ANNEXE No. 16.

DÉCRET IMPÉRIAL, *du 24 décembre 1900*

(*Traduction.*)

Il a été stipulé dans les traités passés entre la Chine et les Puissances Etrangères que les nationaux de ces Puissances auront la faculté de pénétrer dans l'intérieur.

La Cour, pour assurer et maintenir les relations avec les autres pays, a déjà rendu des décrets prescrivant que l'on fasse les efforts les plus sincères dans les provinces pour assurer la Protection. Cependant les autorités locales s'étant relâchées peu à peu (dans l'exercice de

leurs fonctions), des troubles ont été causés par les malfaiteurs et des attaques ont été dirigées contre les étrangers. On a vu de semblables incidents se renouveler plusieurs fois.

Nous comprenons que nos qualités ont été trop faibles pour amener le peuple ignorant à se réformer, ce qui nous a conduit à commettre des fautes immenses. Pas un seul mandarin local n'a su, en temps ordinaire, faire connaître les affaires européenes et aucun n'a compris l'importance des relation étrangères. Aussi la conflagration s'est-elle étendue partout menaçant l'Empire, et s'ils s'interrogent en eux-mêmes, ils ne se sentiront pas tranquilles.

Dorénavant, chacun d'entre vous devra s'appliquer à repousser ses ressentiments et à dépouiller ses préjugés. Vous devez savoir que, de tout temps, l'entretien de relations amicales avec les pays étrangers a été une règle fondamentale. Les gens qui arrivent en Chine venant de loin, soit comme marchands pour y échanger leurs produits, soit comme voyageurs pour augmenter leurs connaissances scientifiques, ou encore comme missionnaires pour prêcher la religion dans le but d'exhorter les gens à faire le bien, ont franchi les montagnes et traversé les mers au prix de grandes fatigues.

Puisque la China passe pour un pays civilisé, elle doit pratiquer les devoirs d'un hôte envers ses invités. D'ailleurs, les Chinois qui, dans ces dernières années, se sont rendus à l'étranger sont au moins plusieurs centaines de mille. Leurs personnes et leurs biens dépendent de la garantie que leur assurent les Puissances qui leur ont donné leur protection. Comment pourrions-nous continuer de traiter différemment leurs nationaux?

Nous ordonnons de nouveau à toutes les Hautes Autorités civiles et militaires responsables de toutes les provinces de prescrire à leurs subordonnés de protéger, de la façon la plus efficace, les agents et nationaux des Puissances étrangères qui viendraient dans leurs circonscriptions. Dans le cas ou des malfaiteurs audacieux pousseraient à maltraiter et massacrer des étrangers, on devra sur le champ aller rétablir l'ordre, arrêter les coupables et les châtier. Aucun retard ne devra y être apporté. Si, par suite d'indifférence, ou plus, de tolérance volontaire, de grandes calamités venaient à se produire, ou si des infractions aux traités venaient à se produire et n'étaient pas immédiatement réprimées et punies, les Gouverneurs Généraux, Gouverneurs et Fonctionaires provinciaux ou locaux responsables seront révoqués sans pouvoir êre appelés à de nouvelles fonctions, dans d'autres provinces ou espérer d'être réintégrés, ni recevoir de nouveaux honneurs.

Le présent décret devra être imprimé et publié afin de prévenir les mandarins et le peuple et mettre fin à toutes ces habitudes indignes.

Respect à ceci !

ANNEXE No. 17.

THE FOLLOWING IS THE ENGLISH TRANSLATION.

[*Official Translation*]

REGULATIONS FOR THE IMPROVEMENTS OF THE COURSE OF THE HUANGPU.

SECTION I.—A River Conservancy Board is hereby instituted at Shanghai for the Huangpu River.

SECTION II.—The Board will act a double capacity; firstly as an agency for the restoration and improvement of the waterway, and secondly as an agency for its control.

SECTION III.—The jurisdiction of the Board shall extend from a line drawn from the lower limit of the Kiangnan Arsenal towards the mouth of Arsenal Creek, to the red buoy in the Yangtse.

SECTION IV.—The Board shall consist of—

(a)—The Taotai;

(b)—The Commissioner of Customs at Shanghai;

(c)—Two members elected by the Consular Body;

(d)—Two members of the General Chamber of Commerce of Shanghai elected by the Committee of the said Chamber;

(e)—Two members representing shipping interests, elected by shipping Companies, commercial firms and the merchants, the total of whose entrances and clearances at Shanghai, Woosung and other ports on the Huangpu exceeds 50,000 tons per annum;

(f)—A member of the Municipal Council of the International Settlement;

(g)—A member of the Municipal Council of the French Concession; and

(h)—A representative of each country the total of whose entrances and clearances at Shanghai, Woosung and any other port of the Huangpu exceeds 200,000 tons a year. Said representative shall be designated by the Government of the country interested.

SECTION V.—The *ex officio* members shall hold office as long as they fill the position by virtue of which they sit on the Board.

SECTION VI.—The representatives of the Municipal Councils and of the Chamber of Commerce shall be elected for a period of one year. They may be immediately re-elected.

The term of office of the members to be designated by the Governments, provided for under paragraph *h* of section IV, shall also be one year.

The term of the other members is for three years. They may be immediately re-elected.

SECTION VII.—In case of a vacancy during a term, the successor of the outgoing member shall be designated for one year or for three years, according to the class to which he belongs.

SECTION VIII.—The Board shall elect its Chairman and Vice-Chairman from among its members, for a term of one year. If there is no majority at the election of Chairman, the Senior Consul shall be requested to give a casting vote.

SECTION IX.—In case of the absence of the Chairman, the Vice-Chairman shall take his place. If both of them are absent, the members present shall choose among themselves a Chairman for the occasion.

SECTION X.—In all meetings of the Board, if votes are equally divided, the Chairman shall have a casting vote.

SECTION XI.—Four members form a quorum.

SECTION XII.—The Board shall appoint the officials and employees deemed necessary for carrying out the works and enforcing its regulations; it shall fix their salaries, wages and gratuities, and shall pay them out of the funds placed at its disposal; it may make regulations, take every measure necessary concerning its staff, which it can dismiss at pleasure.

SECTION XIII.—The Board decides on the necessary measures for the regulation of the traffic, including the placing of moorings in the river and the berthing of vessels, between the limits mentioned in Section III, and on all water courses (such as Soochow Creek and others) passing through the French Concession or the International Settlement at Shanghai and the foreign quarter at Woosung, as well as on all the other creeks emptying into the river, for a distance of two English miles above their mouths.

SECTION XIV.—The Board has power to expropriate the private moorings and to establish a system of public moorings in the river.

SECTION XV.—The authorisation of the Board is necessary to carry out any dredging; to build bunds; to construct jetties or to place pontoons and hulks in the section of the river mentioned in Section XIII, including the Soochow and other creeks. The Board may, at its discretion, refuse such permission.

SECTION XVI.—The Board has full power to remove all obstacles in the river or the above mentioned creeks, and to recover, if necessary, the cost of so doing from those responsible.

SECTION XVII.—The Board has control of all floating lighters, buoys, beacons, land marks and light signals within the section of the river and within the creeks mentioned in Section XIII, as well as over such marks on the shore as may be necessary for the safe navigation of the river, with the exception of light houses, which shall remain subject to Article XXXII of the Treaty of 1858 between Great Britain and China.

SECTION XVIII.—The improvement and conservancy works of the Huangpu shall be entirely under the technical control of the Board, even should the carrying out of them necessitate works beyond the limits of its jurisdiction. In this case the necessary orders will be transmitted by and the work will be done with the consent of the Chinese authorities.

SECTION XIX.—The Board shall receive and disburse all the funds collected for the works and take, in conjunction with the competent authorities, all proper and efficacious measures to ensure the collection of the taxes and the enforcement of the regulations.

SECTION XX.—The Board shall appoint the Harbour Master and his staff. This department shall act, within the limits of the powers assigned to the Board, in the section of the river indicated in Section XIII.

SECTION XXI.—The Board shall have power to organize a police and watch service to secure the execution of its regulations and orders.

SECTION XXII.—The Board shall have the direction and control of the Shanghai (lower Yangtze) pilot service. Licenses for pilots for ships bound for Shanghai shall only be issued by the Board and at its discretion.

SECTION XXIII.—In case of infractions of its regulations, the Board shall sue offenders in the following way:—

Foreigners, before their respective Consuls, or competent judicial authority; Chinese, or foreigners whose governments are not represented in China, in the Mixed Court, in the presence of a foreign assessor.

SECTION XXIV.—All suits against the Board shall be brought before the Court of Consuls at Shanghai. The Board shall be represented in suits by its Secretary.

SECTION XXV.—Members of the Board and persons employed by it, shall not incur any personal responsibility for the votes and acts of the Board for contracts made or expenses incurred by the said Board, when the said votes, acts, contracts and expenses concern the carrying out or the enforcement, under the authority or by order of the Board, or of one of its branches, of the regulations enacted by the said Body.

SECTION XXVI.—Besides the provisions mentioned in Section XIII of this Annex, the Board has power to enact, within the limits of its competency, all necessary ordinances and regulations and to fix fines for the violation thereof.

SECTION XXVII.—The Ordinances and Regulations mentioned in Section XXVI shall be submitted for the approval of the Consular Body; if two months after presenting the draft of the proposed ordinances or regulations the Consular Body has made no objection or suggested no modification, it shall be considered as approved and shall come into force.

SECTION XXVIII.—The Board has power to acquire by purchase the lands necessary for carrying out the works of improvement and conservancy of the Huangpu, and to dispose of them.

If, for this purpose, it shall be deemed necessary to expropriate land, the rules laid down in Article VI *(a)* of "The Land Regulations for the Foreign Settlements of Shanghai North of the Yang-king-pang" shall be followed. The price shall be fixed by a committee consisting of:—

1.—A person chosen by the authority to whose jurisdiction the owner is subject;

2.—One chosen by the Board; and

3.—One chosen by the Senior Consul.

SECTION XXIX.—Riparian owners shall have the refusal of all the land made in front of their properties by the reclamation carried out

for the improvement of the waterways in question. The purchase price of these lands shall be fixed by committee composed in the same manner as provided for in Section XXVIII.

SECTION XXX.—The Revenue of the Board will be composed of:

(a)—An annual tax of one tenth of one per cent on the assessed value of all lands and buildings in the French concessions and the International Settlement.

(b)—A tax of equal amount on all property with water frontage on the river Huangpu, between a line drawn from the lower limit of the Kiangnan Arsenal toward the mouth of Arsenal Creek to the place where the Huangpu falls into the Yangtze. The assessed value of this property shall be fixed by the committee mentioned in Section XXVIII.

(c)—A tax of five candereens per ton on all vessels of non-Chinese type and of a tonnage exceeding 150 tons entering or leaving the Port of Shanghai, Woosung or any other port on the Huangpu.

Ships of non-Chinese type of 150 tons and under shall pay a quarter of the above-mentioned tax. These taxes shall only be leviable on each vessel once every four months, irrespective of the number of its entrances and clearances.

Foreign built ships navigating the Yangtze and only stopping at Woosung to take their river papers shall be exempt from the above mentioned taxes, on condition that on their way up and down they shall not carry on any commercial transactions at Woosung. They shall, however, be allowed to take in water and supplies at Woosung.

(d)—A tax of one tenth of one per cent on all merchandise passing the Customs at Shanghai, Woosung or any other port on the Huangpu.

(e)—An annual contribution from the Chinese Government equal in amount to the contribution furnished by the different foreign interests.

SECTION XXXI.—The collection of the taxes enumerated in Section XXX shall be effected through the medium of the following authorities:—

(TAX *a.*)—By the respective municipalities;

(TAX *b.*)—To be collected from persons under the jurisdiction of Governments represented in China, by their respective Consuls; the taxes to be collected from Chinese, or from persons whose Governments are not represented in China, by the Taotai;

(TAXES *c* and *d.*)—By the Imperial Maritime Customs.

SECTION XXXII.—Should the total annual revenues of the Board not be sufficient for the payment of the interest and the amortisation of the capital to be borrowed for carrying out the works, for keeping up the complete works and for the service in general, the Board shall have the power to increase in the same proportion the various taxes on shipping, on land and building and on trade, to a figure sufficient to supply its recognised needs. This increase shall be applicable in the same proportion to the contribution of the Chinese Government mentioned in paragraph *(e)* of Section XXX.

SECTION XXXIII.—The Board shall give notice to the High Commissioner of Southern Trade and the Consular Body of the

necessity for the increase mentioned in Section XXXII. It shall only come into force after its approval by the Consular Body.

SECTION XXXIV.—The Board shall submit to the High Commissioner of Southern Trade and to the Consular Body within six months after the closing of each financial year, its annual accounts, accompanied by a detailed report on the general management and the receipts and expenditures during the preceding twelve months. This report shall be published.

SECTION XXXV.—If the exact and published accounts of receipts and expenditures show a balance of receipts over expenses the taxes mentioned in Section XXX shall be proportionally reduced by the Board and the Consular Body, acting conjointly. This reduction shall be applicable in the same proportion to the contribution of the Chinese Government mentioned in paragraph *(e)* of Section XXX.

SECTION XXXVI.—After the expiration of the first term of three years the signatories shall examine by common accord such of the provisions contained in the present Annex as may require revision. A fresh revision may take place under the same conditions every three years thereafter.

SECTION XXXVII.—Within the limits mentioned in Section XIII, and subject to their approval by the Shanghai Consular Body, the ordinances of the Board shall have the force of law for all foreigners.

PEKING, 7th September, 1901.

ANNEXE No. 18.

ÉDIT IMPÉRIAL *du 24 juillet 1901.*

(*Traduction*)

Le 9e jour de la 6e lune, la Grande Chancellerie a reçu l'édit ci-après :

"La création de fonctionnaires et la détermination de leurs attributions ont jusqu'ici été réglées d'après les nécessités des temps. Or, en ce moment où un nouveau traité de paix est conclu, les relations internationales vont au premier rang des affaires importantes, et il est plus que jamais nécessaire de recourir à des hommes capables pour s'occuper de tout ce qui a rapport à l'établissement de l'amitié dans les relations et de la confiance dans le langage.

"L'office des Affaires étrangères créé autrefois pour traiter les questions internationales, existe bien depuis des années, mais étant donné que les Princes et Ministres qui le composaient n'exerçaient pour la plupart ces fonctions qu'accessoirement à d'autres, ils ne pouvaient s'y consacrer exclusivement. Il convient donc naturellement de créer des fonctions spéciales afin que chacun ait son attribution propre.

"Nous ordonnons en conséquence que l'Office des Affaires étrangères (Tsong li ko kouo che-wou yamen) soit changé en Ministère des Affaires Etrangères (Wai Wou-pou) et prenne rang avant les six Ministères. Et Nous désignons Yi-Kouang, Prince du premier rang K'ing, comme Président du Ministère des Affaires Etrangères,

"M. Wang Wen-chao, Grand Secrétaire d'Etat du Ti-jen Ko est nommé Président- adjoint au Ministère des Affaires Etrangères; M. K'in Hong-ki, Président du Ministère des Travaux Publics passe avec le même titre au Ministère des Affaires Etrangères où il est nommé Président-adjoint; M. Sin Chéou-p'eng, Directeur de la Cour des Haras et M. Lien Fang, Expectant Sous-directeur Métropolitain de 3me ou 4me rang, sont mommés premier et second Directeurs (ou Sous-Secrétaires).

"En ce qui regarde la fixation du personnel, les règlements qui devront présider à son choix, les émoluments à attribuer aux Ministres, Directeurs et autres Agents, Nous prescrivons aux Conseillers de Gouvernement, de se concerter avec le Ministre du Personnel, et de nous adresser promptement leurs conclusions par voie de rapport.

Respect à ceci !

ANNEXE No. 19.

MEMORANDUM

sur le cérémonial à observer dans les audiences solennelles

1.—Les audiences solennelles données par Sa Majesté l'Empereur de Chine au Corps Diplomatique ou aux Représentants des Puissances séparément auront lieu dans la salle du Palais appelée "K'ien-ts'ing Kong."

2.—En allant à ces audiences solennelles ou en en revenant les Représentants des Puissances seront portés dans leur chaise jusqu'à l'extérieur de la porte King-yun. A la porte King-yun ils devront descendre de la chaise dans laquelle ils sont venus et être portés dans une petite chaise (i chiao) jusqu'au pied des marches de la porte K'ien-ts'ing.

En arrivant à la porte K'ien-ts'ing les Représentants des Puissances devront descendre de chaise et s'avancer à pied jusqu'en présence de Sa Majesté dans la salle K'ien-ts'ing Kong.

En partant, les Représentants des Puissances devront retourner à leur résidence de la même manière qu'ils seront venus.

3.—Quand un Représentant d'une Puissance aura à présenter à Sa Majesté l'Empereur ses lettres de créance ou une communication du Chef de l'Etat par lequel il est accrédité, l'Empereur fera envoyer à la résidence du dit Représentant pour la porter au Palais une chaise à porteurs avec des garnitures et des glands jaunes, telles que celles qui sont à l'usage des Princes de la famille Impériale. Le dit Représentant sera reconduit chez lui de la même manière. Une escorte de troupes sera de également envoyée à la résidence du dit Représentant pour l'accompagner à l'aller et au retour.

4.—En présentant ses lettres de créance ou une communication du Chef de l'Etat par lequel il est accrédité, l'Agent Diplomatique, pendant qu'il portera les dites lettres ou communications, passera par les ouvertures centrales des portes du Palais jusqu'à ce qu'ils soit parvenu en présence de Sa Majesté. En revenant de ces audiences, il se

conformera, en ce qui concerne les portes par lesquelles il pourra avoir à passer, aux usages déjà établis à la Cour de Pékin pour les audiences données aux Représentants Etrangers.

5.—L'Empereur recevra directement entre ses mains les lettres et communications ci-dessus mentionnées que les Représentants Etrangers pourront avoir à lui remettre.

6.—Si Sa Majesté décidait d'inviter à un banquet les Représentants des Puissances il est bien entendu que ce banquet devra lieu dans une des salles du Palais Impérial et que Sa Majesté devra y assister en personne.

7.—En un mot, le cérémonial adopté par la Chine à l'égard des Représentants Etrangers ne pourra être, en aucun cas, différent de celui qui résulte d'une parfaite égalité entre les Pays concernés et la Chine, sans aucune perte de prestige de part et d'autre.

THE BRITISH COMMERCIAL TREATY.

SIGNED AT SHANGHAI ON THE 5TH OF SEPTEMBER, 1902.

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS MAJESTY THE EMPEROR OF CHINA, having resolved to enter into negotiations with a view to carrying out the provision contained in Article XI. of the Final Protocol signed at Peking on the 7th of September, 1901, under which the Chinese Government agreed to negotiate the amendments deemed useful by the Foreign Governments to the Treaties of Commerce and Navigation and other subjects concerning commercial relations with the object of facilitating them, have for that purpose named as their Plenipotentiaries, that is to say:—

His Majesty the King of Great Britain and Ireland, His Majesty's Special Commissioner, SIR JAMES LYLE MACKAY, Knight Commander of the Most Eminent Order of the Indian Empire, a member of the Council of the Secretary of State for India, etc.

And His Majesty the Emperor of China, the Imperial Commissioners LÜ HAI-HUAN, President of the Board of Public Works, etc., and SHÊNG HSÜAN-HUAI, Junior Guardian of the Heir Apparent, Senior Vice-President of the Board of Public Works, etc.

Who having communicated to each other their respective Full Powers, and found them to be in good and due form have agreed upon and concluded the following Articles:—

ARTICLE I.

Delay having occurred in the past in the issue of Drawback Certificates owing to the fact that those documents have to be dealt with by the Superintendent of Customs at a distance from the Customs Office, it is now agreed that Drawback Certificates shall hereafter in all cases be issued by the Imperial Maritime Customs within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such Drawback Certificates.

These Certificates shall be valid tender to the Customs Authorities in payment of any duty upon goods imported or exported (transit dues excepted), or shall, in the case of Drawbacks on foreign goods re-exported abroad within three years from the date of importation, be payable in cash without deduction by the Customs Bank at the place where the import duty was paid.

But if, in connexion with any application for a Drawback Certificate, the Customs Authorities discover an attempt to defraud the revenue, the applicant shall be liable to a fine not exceeding five times the amount of the duty whereof he attempted to defraud the Customs, or to a confiscation of the goods.

ARTICLE II.

China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by British as well as Chinese subjects.

ARTICLE III.

China agrees that the duties and likin combined levied on goods carried by junks from Hongkong to the Treaty Ports in the Canton Province and vice versa, shall together not be less than the duties charged by the Imperial Maritime Customs on similar goods carried by steamer.

ARTICLE IV.

Whereas questions have arisen in the past concerning the right of Chinese subjects to invest money in non-Chinese enterprises and companies, and whereas it is a matter of common knowledge that large sums of Chinese capital are so invested, China hereby agrees to recognise the legality of all such investments past, present and future.

It being, moreover, of the utmost importance that all shareholders in a Joint Stock Company should stand on a footing of perfect equality as far as mutual obligations are concerned, China further agrees that Chinese subjects who have or may become shareholders in any British Joint Stock Company shall be held to have accepted, by the very act of becoming shareholders, the Charter of Incorporation or Memorandum and Articles of Association of such Company and regulations framed thereunder as interpreted by British Courts, and that Chinese Courts shall enforce compliance therewith by such Chinese shareholders, if a suit to that effect be entered, provided always that their liability shall not be other or greater than that of British shareholders in the same Company.

Similarly the British Government agree that British subjects investing in Chinese Companies shall be under the same obligations as the Chinese shareholders in such companies.

The foregoing shall not apply to cases which have already been before the Courts and been dismissed.

ARTICLE V.

The Chinese Government undertake to remove within the next two years the artificial obstructions to navigation in the Canton River. The Chinese Government also agree to improve the accommodation for shipping in the harbour of Canton and to take the necessary steps to maintain that improvement, such work to be carried out by the Imperial Maritime Customs and the cost thereof to be defrayed by a tax on goods landed and shipped by British and Chinese alike, according to a scale to be arranged between the merchants and Customs.

The Chinese Government are aware of the desirability of improving the navigability by steamer of the waterway between Ichang and Chungking, but are also fully aware that such improvement might involve heavy expense and would affect the interests of the population of the provinces of Szechuen, Hunan, and Hupeh. It is, therefore, mutually agreed that until improvements can be carried out steamship owners shall be allowed, subject to approval by the Imperial Maritime Customs, to erect, at their own expense, appliances for hauling through the rapids. Such appliances shall be at the disposal of all vessels, both steamers and junks, subject to regulations to be drawn up by the Imperial Maritime Customs. These appliances shall not obstruct the waterway or interfere with the free passage of junks. Signal stations and channel marks where and when necessary shall be erected by the Imperial Maritime Customs. Should any practical scheme be presented for improving the waterway and assisting navigation without injury to the local population or cost to the Chinese Government, it shall be considered by the latter in a friendly spirit.

ARTICLE VI.

The Chinese Government agree to make arrangements to give increased facilities at the open ports for bonding and for repacking merchandise in bond, and, on official representation being made by the British Authorities, to grant the privileges of a bonded warehouse to any warehouse which it is established to the satisfaction of the Customs Authorities affords the necessary security to the revenue.

Such warehouses will be subject to regulations, including a scale of fees according to commodities, distance from Custom House and hours of working, to be drawn up by the Customs' Authorities who will meet the convenience of merchants so far as is compatible with the protection of the revenue.

ARTICLE VII.

Inasmuch as the British Government afford protection to Chinese trademarks against infringement, imitation, or colourable imitation by British subjects, the Chinese Government undertake to afford protection to British trademarks against infringement, imitation, or colourable imitation by Chinese subjects.

The Chinese Government further undertake that the Superintendents of Northern and Southern trade shall establish offices within their respective jurisdictions under control of the Imperial Maritime Customs where foreign trademarks may be registered on payment of a reasonable fee.

ARTICLE VIII.

Preamble.

The Chinese Government, recognising that the system of levying likin and other dues on goods at the place of production, in transit, and at destination, impedes the free circulation of commodities and injures the interests of trade, hereby undertake to discard completely those means of raising revenue with the limitation mentioned in Section 8.

The British Government, in return, consent to allow a surtax, in excess of the Tariff rates for the time being in force to be imposed on foreign goods imported by British subjects and a surtax in addition to the export duty on Chinese produce destined for export abroad or coastwise.

It is clearly understood that, after likin barriers and other stations for taxing goods in transit have been removed, no attempt shall be made to revive them in any form or under any pretext whatsoever; that in no case shall the surtax on foreign imports exceed the equivalent of one and a half times the import duty leviable in terms of the Final Protocol signed by China and the Powers on the 7th day of September, 1901; that payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or non-Chinese subjects, in original packages or otherwise, complete immunity from all other taxation, examination or delay; that the total amount of taxation leviable on native produce for export abroad shall, under no circumstances, exceed 7½ per cent. *ad valorem*.

Keeping these fundamental principles steadily in view, the High Contracting Parties have agreed upon the following methods of procedure.

Section I.—The Chinese Government undertake that all barriers of whatsoever kind, collecting likin or suchlike dues or duties, shall be permanently abolished on all roads, railways, and waterways in the Eighteen Provinces of China and the Three Eastern Provinces. This provision does not apply to the Native Custom Houses at present in existence on the seaboard or waterways, at Open Ports, on land routes, and on land frontiers of China.

SECTION 2.—The British Government agree that foreign goods on importation, in addition to the effective 5% import duty as provided for in the Protocol of 1901, shall pay a special surtax equivalent to one and a half times the said duty to compensate for the abolition of likin, of transit dues in lieu of likin, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this Article; but this provision shall not impair the right of China to tax salt, native opium, and native produce as provided for in Sections 3, 5, 6 and 8.

The same amount of surtax shall be levied on goods imported into the Eighteen Provinces of China and the Three Eastern Provinces across the land frontiers as on goods entering China by sea.

SECTION 3.—All Native Custom Houses now existing, whether at the Open Ports, on the seaboard, on rivers, inland waterways, land routes or land frontiers, as enumerated in the Hu Pu and Kung Pu *Tse Li* (Regulations of the Boards of Revenue and Works) and *Ta Ch'ing Hui Tien* (Dynastic Institutes), may remain; a list of the same, with their location, shall be furnished to the British Government for purposes of record.

Wherever there are Imperial Maritime Custom Houses, or wherever such may be hereafter placed, Native Custom Houses may be also established; as well as at any points either on the seaboard or land frontiers.

The location of Native Custom Houses in the Interior, may be changed as the circumstances of trade seem to require, but any change must be communicated to the British Government, so that the list may be corrected; the originally stated number of them shall not, however, be exceeded.

Goods carried by junks or sailing-vessels trading to or from Open Ports shall not pay lower duties than the combined duties and surtax on similar cargo carried by steamers.

Native produce, when transported from one place to another in the Interior, shall, on arrival at the first Native Custom House after leaving the place of production, pay duty equivalent to the export surtax mentioned in Section 7.

When this duty has been paid, a certificate shall be given which shall describe the nature of the goods, weight, number of packages, etc., amount of duty paid, and intended destination. This certificate, which shall be valid for a fixed period of not less than one year from date of payment of duty, shall free the goods from all taxation, examination, delay, or stoppage at any other Native Custom Houses passed *en route*.

If the goods are taken to a place not in the foreign settlements or concessions of an Open Port, for local use, they become there liable to the Consumption Tax described in Section 8.

If the goods are shipped from an Open Port, the certificate is to be accepted by the Custom House concerned, in lieu of the Export Surtax mentioned in Section 7.

Junks, boats, or carts shall not be subjected to any taxation beyond a small and reasonable charge, paid periodically at a fixed annual rate. This does not exclude the right to levy, as at present, tonnage (Chuan Chao) and port dues (Chuan Liao) on junks.

SECTION 4.—Foreign opium duty and present likin—which latter will now become a surtax in lieu of likin—shall remain as provided for by existing treaties.

SECTION 5.—The British Government have no intention whatever of interfering with China's right to tax native opium, but it is essential to declare that, in her arrangements for levying such taxation, China will not subject other goods to taxation, delay, or stoppage.

China is free to retain at important points on the borders of each province—either on land or water—offices for collecting duty on native

opium, where duties or contributions leviable shall be paid in one lump sum; which payment shall cover taxation of all kinds within that province. Each cake of opium will have a stamp affixed as evidence of duty payment. Excise officers and police may be employed in connection with these offices; but no barriers or other obstructions are to be erected, and the excise officers or police of these offices shall not stop or molest any other kinds of goods, or collect taxes thereon.

A list of these offices shall be drawn up and communicated to the British Government for record.

SECTION 6.—Likin on salt is hereby abolished and the amount of said likin and of other taxes and contributions shall be added to the salt duty, which shall be collected at place of production or at first station after entering the province where it is to be consumed.

The Chinese Government shall be at liberty to establish salt reporting offices at which boats conveying salt which is being moved under salt passes or certificates may be required to stop for purposes of examination and to have their certificates *visé'd*, but at such offices no likin or transit taxation shall be levied and no barriers or obstructions of any kind shall be erected.

SECTION 7.—The Chinese Government may recast the Export Tariff with specific duties as far as practicable, on a scale not exceeding five per cent. *ad valorem;* but existing export duties shall not be raised until at least six months' notice has been given.

In cases where existing export duties are above five per cent. they shall be reduced to not more than that rate.

An additional special surtax of one half the export duty payable for the time being, in lieu of internal taxation and likin, may be levied at time of export on goods exported either to foreign countries or coastwise.

In the case of silk, whether hand or filature reeled, the total export duty shall not exceed a specific rate equivalent to not more than five per cent. *ad valorem*. Half of this specific duty may be levied at the first Native Custom House in the interior which the silk may pass and in such case a certificate shall be given as provided for in section 3, and will be accepted by the Custom House concerned at place of export in lieu of half the export duty. Cocoons passing Native Custom Houses shall be liable to no taxation whatever. Silk not exported but consumed in China is liable to the consumption tax mentioned and under conditions mentioned in section 8.

SECTION 8.—The abolition of the likin system in China and the abandonment of all other kinds of internal taxation on foreign imports and on exports will diminish the revenue materially. The surtax on foreign imports and exports and on coastwise exports is intended to compensate in a measure for this loss of revenue, but there remains the loss of likin revenue on internal trade to be met, and it is therefore agreed that the Chinese Government are at liberty to impose a Consumption Tax on articles of Chinese origin not intended for export.

This tax shall be levied only at places of consumption and not on goods while in transit, and the Chinese Government solemnly undertake that the arrangements which they may make for its collection shall in no way interfere with foreign goods or with native goods for export. The fact of goods being of foreign origin shall of itself free them from all taxation, delay, or stoppage, after having passed the Custom House.

Foreign goods which bear a similarity to native goods shall be furnished by the Custom House, if required by the owner, with a protective certificate for each package, on payment of import duty and surtax, to prevent the risk of any dispute in the Interior.

Native goods brought by junks to Open Ports, if intended for local consumption—irrespective of the nationality of the owner of the goods—shall be reported at the Native Custom House only, where the consumption tax may be levied.

China is at liberty to fix the amount of this (consumption) tax, which may vary according to the nature of the merchandise concerned, that is to say, according as the articles are neeessaries of life or luxuries; but it shall be levied at a uniform rate on goods of the same description, no matter whether carried by junk, sailing-vessel, or steamer. As mentioned in Section 3, the Consumption Tax is not to be levied within foreign settlements or concessions.

SECTION 9.—An excise equivalent to double the import duty as laid down in the Protocol of 1901 is to be charged on all machine-made yarn and cloth manufactured in China, whether by foreigners at the Open Ports or by Chinese anywhere in China.

A rebate of the import duty and two-thirds of the Import Surtax is to be given on raw cotton imported from foreign countries, and of all duties, including Consumption Tax, paid on Chinese raw cotton used in mills in China.

Chinese machine-made yarn or cloth having paid excise is to be free of Export Duty, Export Surtax, Coast Trade Duty, and Consumption Tax. This Excise is to be collected through the Imperial Maritime Customs.

The same principle and procedure are to be applied to all other products of foreign type turned out by machinery, whether by foreigners at the Open Ports or by Chinese anywhere in China.

This stipulation is not to apply to the outturn of the Hanyang and Ta Yeh Iron Works in Hupeh and other similar existing Government works at present exempt from taxation; or to that of Arsenals, Government Dockyards, or establishments of that nature for Government purposes which may hereafter be erected.

SECTION 10.—A member or members of the Imperial Maritime Customs Foreign Staff shall be selected by each of the Governors-General and Governors, and appointed, in consultation with the Inspector-General of Imperial Maritime Customs to each province for duty in connection with Native Customs affairs, Consumption Tax, Salt and Native Opium Taxes. These officers shall exercise an efficient supervision of the working of these departments and in the event of their reporting any case of abuse, illegal exaction, obstruction to the movement of goods, or other cause of complaint, the Governor-General or Governor concerned will take immediate steps to put an end to same.

SECTION 11.—Cases where illegal action as described in this article is complained of shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with a British officer and an officer of the Imperial Maritime Customs, each of sufficient standing; and in the event of its being found by a majority of the investigating officers that the complaint is well founded and loss has been incurred, due compensation is to be at once paid from the Surtax funds, through the Imperial Maritime Customs at the nearest open port. The High Provincial Officials are to be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post.

If the complaint turns out to be without foundation, complainant shall be held responsible for the expenses of the investigation.

His Britannic Majesty's Minister will have the right to demand investigation where from the evidence before him he is satisfied that illegal exactions or obstructions have occurred.

SECTION 12.—The Chinese Government agree to open to foreign trade, on the same footing as the places opened to foreign trade by the Treaties of Nanking and Tientsin, the following places, namely:—

Ch'angsha in Hunan;
Wanhsien in Szechuen;
Nganking in Anhui;
Waichow (Hui-chow) in Kuangtung; and
Kongmoon (Chiang-mên) in Kuangtung.

Foreigners residing in these Open Ports are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish Municipalities and Police of their own within the limits of these Treaty Ports except with the consent of the Chinese authorities.

If this Article does not come into operation the right to demand under it the opening of these ports, with the exception of Kongmoon, which is provided for in Article 10, shall lapse.

SECTION 13.—Subject to the provisions of Section 14, the arrangements provided for in this Article are to come into force on 1st January, 1904.

By that date all likin barriers shall be removed and officials employed in the collection of taxes and dues prohibited by this Article shall be removed from their posts.

SECTION 14.—The condition on which the Chinese Government enter into the present engagement is that all Powers entitled to most favoured nation treatment in China enter into the same engagements as Great Britain with regard to the payment of surtaxes and other obligations imposed by this Article on His Britannic Majesty's Government and subjects.

The conditions on which His Britannic Majesty's Government enter into the present engagement are:—

(1) That all Powers who are now or who may hereafter become entitled to most favoured nation treatment in China enter into the same engagements;
(2) And that their assent is neither directly nor indirectly made dependent on the granting by China of any political concession, or of any exclusive commercial concession.

SECTION 15.—Should the Powers entitled to most favoured nation treatment by China have failed to agree to enter into the engagements undertaken by Great Britain under this Article by the 1st January, 1904, then the provisions of the Article shall only come into force when all the Powers have signified their acceptance of these engagements.

SECTION 16.—When the abolition of likin and other forms of internal taxation on goods as provided for in this Article has been decided upon and sanctioned, an Imperial Edict shall be published in due form on yellow paper and circulated, setting forth the abolition of all likin taxation, likin barriers and all descriptions of internal taxation on goods, except as provided for in this Article.

The Edict shall state that the Provincial High Officials are responsible that any official disregarding the letter or spirit of its injunction shall be severely punished and removed from his post.

ARTICLE IX.

The Chinese Government, recognising that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agree within one year from the signing of this Treaty to initiate and conclude the revision of the existing Mining Regulations. China will, with all expedition and earnestness, go into the whole question of Mining Rules and, selecting from the rules of Great Britain, India, and other countries, regulations which seem applicable to the condition of China, she will recast her present Mining Rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, shall offer no impediment to the attraction of foreign capital or place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations.

Any mining concession granted after the publication of these new Rules shall be subject to their provisions.

ARTICLE X.

Whereas in the year 1898 the Inland Waters of China were opened to all such steam vessels, native or foreign, as might be especially registered for that trade at the Treaty Ports, and whereas the Regulations dated 28th July, 1898, and Supplementary Rules dated September, 1898, have been found in some respects inconvenient in working, it is now mutually agreed to amend them and to annex such new Rules to this Treaty. These Rules shall remain in force until altered by mutual consent.

It is further agreed that Kongmoon shall be opened as a Treaty Port, and that, in addition to the places named in the special Article of the Burmah Convention of 4th February, 1897, British steamers shall be allowed to land or ship cargo and passengers, under the same regulations as apply to the "Ports of Call" on the Yangtze River, at the following "Ports of Call": Pak Tau Hau (Pai-t'u k'ou), Lo Ting Hau (Lo-ting k'ou), and Do Sing (Tou-ch'êng); and to land or discharge passengers at the following ten passenger landing stages on the West River:—Yung Ki (Jung-chi), Mah Ning (Ma-ning), Kau Kong (Chiu-chiang), Kulow (Ku-lao), Wing On (Yung-an), How Lik (Hou-li), Luk Pu (Lu-pu), Yuet Sing (Yüeh-ch'ēng), Luk To (Lu-tu) and Fung Chuen (Fêng-ch'uan).

ARTICLE XI.

His Britannic Majesty's Government agree to the prohibition of the general importation of morphia into China, on condition, however, that the Chinese Government will allow of its importation, on payment of the Tariff import duty and under special permit, by duly qualified British medical practitioners and for the use of hospitals, or by British chemists and druggists who shall only be permitted to sell it in small quantities and on receipt of a requisition signed by a duly qualified foreign medical practitioner.

The special permits above referred to will be granted to an intending importer on his signing a bond before a British Consul guaranteeing the fulfilment of these conditions. Should an importer be found guilty before a British Consul of a breach of his bond, he will not be entitled to take out another permit. Any British subject importing morphia without a permit shall be liable to have such morphia confiscated.

This Article will come into operation on all other Treaty Powers agreeing to its conditions, but any morphia actually shipped before that date will not be affected by this prohibition.

The Chinese Government on their side undertake to adopt measures at once, to prevent the manufacture of morphia in China.

ARTICLE XII.

China having expressed a strong desire to reform her judicial system and to bring it into accord with that of Western nations, Great Britain agrees to give every assistance to such reform, and she will also be prepared to relinquish her extra-territorial rights when she is satisfied that the state of the Chinese laws, the arrangement for their administration, and other considerations warrant her in so doing.

ARTICLE XIII.

The missionary question in China being, in the opinion of the Chinese Government, one requiring careful consideration, so that, if possible, troubles such have occurred in the past may be averted in the future, Great Britain agrees to join in a Commission to investigate this question, and, if possible, to devise means for securing permanent peace between converts and non-converts, should such a Commission be formed by China and the Treaty Powers interested.

ARTICLE XIV.

Whereas under Rule V. appended to the Treaty of Tientsin of 1858, British merchants are permitted to export rice and all other grain from one port of China to another under the same conditions in respect of security as copper "cash," it is now agreed that in cases of expected scarcity or famine from whatsoever cause in any district, the Chinese Government shall, on giving twenty-one days' notice, be at liberty to prohibit the shipment of rice and other grain from such district.

Should any vessel specially chartered to load rice or grain previously contracted for, have arrived at her loading port prior to or on the day when a notice of prohibition to export comes into force she shall be allowed an extra week in which to ship her cargo.

If, during the existence of this prohibition, any shipment of rice or grain is allowed by the authorities, the prohibition shall, ipso facto, be considered cancelled and shall not be re-imposed until six weeks' notice has been given.

When a prohibition is notified, it will be stated whether the Government have any Tribute or Army Rice which they intend to ship during the time of prohibition, and if so, the quantity shall be named.

Such rice shall not be included in the prohibition, and the Customs shall keep a record of any Tribute or Army Rice so shipped or landed.

The Chinese Government undertake that no rice, other than Tribute or Army Rice belonging to the Government, shall be shipped during the period of prohibition.

Notifications of prohibitions, and of the quantities of Army or Tribute Rice for shipment shall be made by the Governors of the Provinces concerned.

Similarly, notifications of the removals of prohibitions shall be made by the same authorities.

The export of rice and other grain to foreign countries remains prohibited.

ARTICLE XV.

It is agreed that either of the High Contracting Parties to this Treaty may demand a revision of the Tariff at the end of 10 years; but if no demand be made on either side within 6 months after the end of the first 10 years, then the Tariff shall remain in force for 10 years more, reckoned from the end of the preceding 10 years; and so it shall be at the end of each successive 10 years.

Any Tariff concession which China may hereafter accord to articles of the produce or manufacture of any other State shall immediately be extended to similar articles of the produce or manufacture of His Britannic Majesty's Dominions by whomsoever imported.

Treaties already existing between the United Kingdom and China shall continue in force in so far as they are not abrogated or modified by stipulations of the present Treaty.

ARTICLE XVI.

The English and Chinese Texts of the present Treaty have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

The ratifications of this Treaty, under the hand of His Majesty the King of Great Britain and Ireland, and of His Majesty the Emperor of China respectively, shall be exchanged at Peking within a year from this day of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Treaty, two copies in English and two in Chinese.

Done at Shanghai this fifth day of September in the year of Our Lord, 1902; corresponding with the Chinese date, the fourth day of the eighth moon of the twenty-eighth year of Kwang Hsü.

[*L.S.*] JAS. L. MACKAY.

ANNEX A—(1.)

(Translation).

Lü, President of the Board of Works;

Shêng, Junior Guardian of the Heir Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

Sir James Mackay, His Britannic Majesty's Special Commissioner for the discussion of Treaty matters.

Shanghai: K. H. XXVIII., 7th moon, 11th day.

(Received August 15, 1902.)

We have the honour to inform you that we have received the following telegram from His Excellency Liu, Governor General of the Liang Chiang, on the subject of Clause II. mutually agreed upon by us:

"As regards this clause, it is necessary to insert therein a clear "stipulation, to the effect that, no matter what changes may take "place in the future, all Customs' duties must continue to be calculated "on the basis of the existing higher rate of the Haikwan Tael over the "Treasury Tael, and that 'the touch' and weight of the former must "be made good."

As we have already arranged with you that a declaration of this kind should be embodied in an official Note, and form an Annex to the present Treaty, for purposes of record, we hereby do ourselves the honour to make this communication.

Annex A—(2.)

Shanghai,

August 18th, 1902.

Gentlemen,

I have the honour to acknowledge the receipt of your despatch of the 4th instant forwarding copy of a telegram from His Excellency Liu, Governor-General of the Liang Chiang, on the subject of Article II. of the new Treaty, and in reply I have the honour to state that His Excellency's understanding of the Article is perfectly correct.

I presume the Chinese Government will make arrangements for the coinage of a national silver coin of such weight and touch as may be decided upon by them. These coins will be made available to the public in return for a quantity of silver bullion of equivalent weight and fineness plus the usual mintage charge.

The coins which will become the national coinage of China will be declared by the Chinese Government to be legal tender in payment of Customs duty and in discharge of obligations contracted in Haikwan taels, but only at their proportionate value to the Haikwan tael, whatever that may be.

I have the honour to be,

Gentlemen,

Your obedient Servant,

(Signed) JAS. L. MACKAY.

Their Excellencies

Lü Hai-huan and Shêng Hsüan-huai,

etc., etc., etc.

ANNEX B—(1).

(Translation).

LÜ, President of the Board of Works;

SHÊNG, Junior Guardian of the Heir Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

SIR JAMES L. MACKAY, His Britannic Majesty's Special Commissioner.

SHANGHAI, September 2nd, 1902.

We have the honour to inform you that on the 22nd of August, we, in conjunction with the Governors-General of the Liang Chiang and the Hu-kuang Provinces, Their Excellencies Liu and Chang, addressed the following telegraphic Memorial to the Throne:—

"Of the revenue of the different Provinces derived from likin of all "kinds, a portion is appropriated for the service of the foreign loans, "a portion for the Peking Government, and the balance is reserved for "the local expenditure of the Provinces concerned.

"In the negotiations now being conducted with Great Britain for "the amendment of the Commercial Treaties, a mutual arrangement "has been come to providing for the imposition of additional taxes, "in compensation for the abolition of all kinds of likin and other "imposts on goods, prohibited by Article VIII. After payment of "interest and sinking fund on the existing foreign loan, to the extent to "which likin is thereto pledged, these additional taxes shall be allocated "to the various Provinces to make up deficiencies and replace revenue, "in order that no hardships may be entailed on them. With a view to "preserving the original intention underlying the proposal to increase "the duties in compensation for the loss of revenue derived from likin "and other imposts on goods, it is further stipulated that the surtaxes "shall not be appropriated for other purposes, shall not form part of "the Imperial Maritime Customs revenue proper, and shall in no case "be pledged as security for any new foreign loan."

"It is therefore necessary to memorialize for the issue of an Edict, "giving effect to the above stipulations and directing the Board of "Revenue to find out what proportion of the provincial revenues derived "from likin of all kinds, now about to be abolished, each Province has "hitherto had to remit, and what proportion it has been entitled to "retain, so that, when the Article comes into operation, due "apportionment may be made accordingly, thus providing the Provinces "with funds available for local expenditure, and displaying equitable "and just treatment towards all."

On the 1st instant an Imperial Decree "Let action, as requested, "be taken" was issued, and we now do ourselves the honour reverently to transcribe the same for your information.

ANNEX B—(2).

SHANGHAI,

September 5th, 1902.

GENTLEMEN,

I have the honour to acknowledge the receipt of your despatch of the 2nd instant forwarding the text of the Memorial and Decree dealing with the disposal of the surtaxes.

I understand that the surtaxes in addition to not being pledged for any new foreign loan are not to be pledged to, or held to be security for, liabilities already contracted by China except in so far as likin revenue has already been pledged to an existing loan.

I also understand from the Memorial that the whole of the surtaxes provided by Article VIII. of the New Treaty goes to the Provinces in proportions to be agreed upon between them and the Board of Revenue, but that out of these surtaxes each Province is obliged to remit to Peking the same contribution as that which it has hitherto remitted out of its likin collections, and that the Provinces also provide as hitherto out of these surtax funds whatever may be necessary for the service of the foreign loan to which likin is partly pledged.

I hope Your Excellencies will send me a reply to this despatch and that you will agree to this correspondence forming part of the Treaty as an Annex.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Signed) JAS. L. MACKAY.

Their Excellencies

Lü HAI-HUAN and SHÊNG HSÜ-HUAI,

etc., etc., etc.

ANNEX B—(3).

(Translation).

Lü, President of the Board of Works;

SHÊNG, Junior Guardian of the Heir Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

SIR JAMES L. MACKAY, His Britannic Majesty's Special Commissioner.

SHANGHAI,

September 5th, 1902.

We have the honour to acknowledge the receipt of your communication of to-day's date with regard to the allocation of the surtax funds alloted to the Provinces, and to inform you that the views therein expressed are the same as our own.

We would, however, wish to point out that, were the whole amount of the allocation due paid over to the Provinces, unnecessary expense would be incurred in the retransmission by them of such portions thereof as would have to be remitted to Peking in place of the contributions hitherto payable out of likin revenue. The amount, therefore, of the allocation due to the Provinces, arranged between them and the Board of Revenue, will be retained in the hands of the Maritime Customs, who will await the instructions of the Provinces in regard to the remittance of such portion thereof as may be necessary to fulfil their obligations, and (on receipt of these instructions) will send forward the amount direct. The balance will be held to the order of the Provinces.

In so far as likin is pledged to the service of the 1898 loan, a similar method of procedure will be adopted.

As you request that this correspondence be annexed to the Treaty, we have the honour to state that we see no objection to this being done.

ANNEX C.

INLAND WATERS STEAM NAVIGATION.

ADDITIONAL RULES.

1.—British steamshipowners are at liberty to lease warehouses and jetties on the banks of waterways from Chinese subjects for a term not

exceeding 25 years, with option of renewal on terms to be mutually arranged. In cases where British merchants are unable to secure warehouses and jetties from Chinese subjects on satisfactory terms, the local officials, after consultation with the Minister of Commerce, shall arrange to provide these on renewable lease as above mentioned at current equitable rates.

2.—Jetties shall only be erected in such positions that they will not obstruct the inland waterway or interfere with navigation, and with the sanction of the nearest Commissioner of Customs; such sanction, however, shall not be arbitrarily withheld.

3.—British merchants shall pay taxes and contributions on these warehouses and jetties on the same footing as Chinese proprietors of similar properties in the neighbourhood. British merchants may only employ Chinese agents and staff to reside in warehouses so leased at places touched at by steamers engaged in inland traffic to carry on their business; but British merchants may visit these places from time to time to look after their affairs. The existing rights of Chinese jurisdiction over Chinese subjects shall not by reason of this clause be diminished or interfered with in any way.

4.—Steam vessels navigating the inland waterways of China shall be responsible for loss caused to riparian proprietors by damage which they may do to the banks or works on them and for the loss which may be caused by such damage. In the event of China desiring to prohibit the use of some particular shallow waterway by launches, because there is reason to fear that the use of it by them would be likely to injure the banks and cause damage to the adjoining country, the British authorities, when appealed to, shall, if satisfied of the validity of the objection, prohibit the use of that waterway by British launches, provided that Chinese launches are also prohibited from using it.

Both Foreign and Chinese launches are prohibited from crossing dams and weirs at present in existence on inland waterways where they are likely to cause injury to such works, which would be detrimental to the water service of the local people.

5.—The main object of the British Government in desiring to see the inland waterways of China opened to steam navigation being to afford facilities for the rapid transport of both foreign and native merchandise, they undertake to offer no impediment to the transfer to a Chinese company and the Chinese flag of any British Steamer which may now or hereafter be employed on the inland waters of China, should the owner be willing to make the transfer.

In event of a Chinese company registered under Chinese law being formed to run steamers on the inland waters of China the fact of British subjects holding shares in such a company shall not entitle the steamers to fly the British flag.

6.—Registered steamers and their tows are forbidden, just as junks have always been forbidden, to carry contraband goods. Infraction of this rule will entail the penalties prescribed in the treaties for such an offence, and cancellation of the Inland Waters Navigations Certificate carried by the vessels, which will be prohibited from thereafter plying on inland waters.

7.—As it is desirable that the people living inland should be disturbed as little as possible by the advent of steam vessels to which they are not accustomed, inland waters not hitherto frequented by steamers shall be opened as gradually as may be convenient to merchants and only as the owners of steamers may see prospect of remunerative trade.

In cases where it is intended to run steam vessels on waterways on which such vessels have not hitherto run, intimation shall be made to the Commissioner of Customs at the nearest open port who shall report the matter to the Ministers of Commerce. The latter in conjunction with the Governor-General or Governor of the Province, after

careful consideration of all the circumstances of the case, shall at once give their approval.

8.—A registered steamer may ply within the waters of a port, or from one open port or ports to another open port or ports, or from one open port or ports to places inland, and thence back to such port or ports. She may, on making due report to the Customs, land or ship passengers or cargo at any recognised places of trade passed in the course of the voyage; but may not ply between inland places exclusively except with the consent of the Chinese Government.

9.—Any cargo and passenger boats may be towed by steamers. The helmsman and crew of any boat towed shall be Chinese. All boats, irrespective of ownership, must be registered before they can proceed inland.

10.—These Rules are supplementary to the Inland Steam Navigation Regulations of July and September, 1898. The latter, where untouched by the present Rules, remain in full force and effect; but the present Rules hold in the case of such of the former Regulations as the present Rules affect. The present Rules, and the Regulations of July and September, 1898, to which they are supplementary are provisional, and may be modified, as circumstances require, by mutual consent.

Done at Shanghai this fifth day of September in the year of Our Lord, 1902; corresponding with the Chinese date, the fourth day of the eighth moon of the twenty-eighth year of Kwang Hsü.

[*L.S.*] JAS. L. MACKAY.

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